

COUNTING ON GOOD SERVICE, CONVINCING THIEVES HIT EXCLUSIVE SHOPS

By MARY BROWNFIELD

TWO CARMEL retailers fell prey to fraud — one when a customer didn't pay for an expensive ring, the other when stolen credit card numbers were used to buy \$35,000 worth of jewelry last month.

A 28-year-old Bay Area resident and his girlfriend put a small amount of cash down on a \$9,095 ring at jeweler

Kerry Lee last August, walked out of the store and never paid the balance, Carmel Police Detective Sgt. Terry Chandler said this week.

The couple selected the platinum, hand-forged ring with a 1.1-carat diamond, but were short of funds, so store owner Kerry Lee Johnson asked the man to Fed Ex payment for the remainder as soon as he could.

"He took \$100 down, no collateral, no I.D. — just took

the guy's name and gave him a Fed Ex package and said, 'Send it to me,'" Chandler said.

Despite repeated promises to Johnson over the next two months, the suspect — now identified as Timothy Geyer — didn't send the money, so Johnson decided to hire a private investigator, according to Chandler.

The investigator reported the theft to the police and

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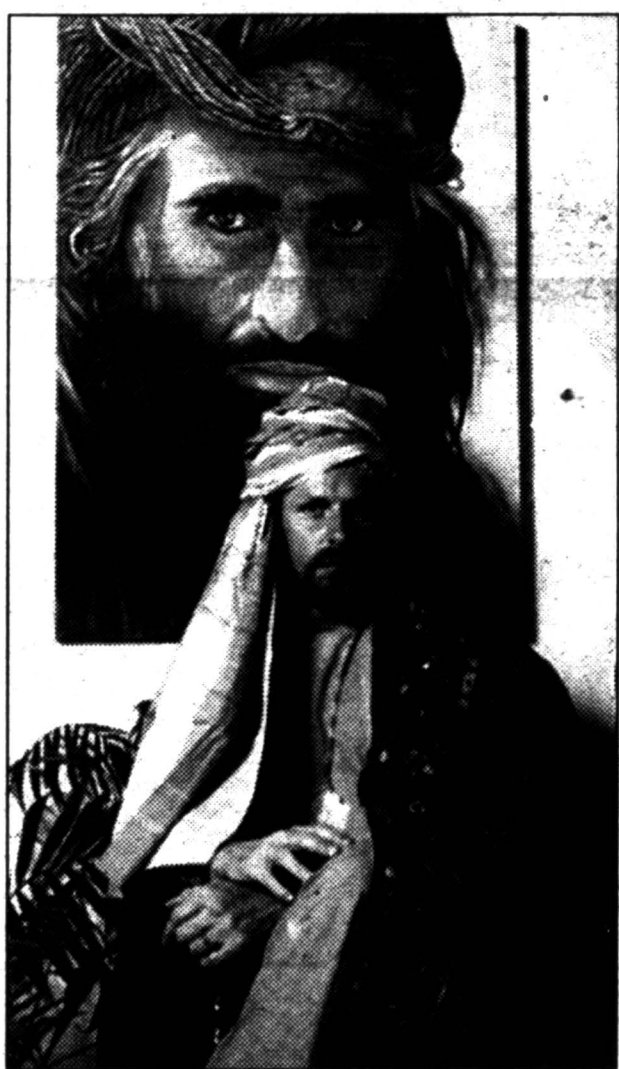
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150 EXPEDITIONS TO AFGHANISTAN

By KIRSTIE WILDE

THERE IS no one in Carmel who understands Afghanistan better than Peterson Conway. After an incredible 150 trips to that country in the last 37 years, the Islamic art and oriental rug dealer has a perspective that predates the Taliban, the Soviet occupation, even the overthrow of the king.

"When I first visited Afghanistan in 1964, it was the wildest place I'd ever



The young Peterson Conway looks like a tourist in 1966 as he grips the hands of two Hindu holy men in Jalalabad, Afghanistan. Eleven years later, the bearded, Farsi-speaking Conway (left) relaxed in his home in Kabul, beneath a painting of a lieutenant serving under legendary Afghan leader Ahmad Shah. Conway has not been able to return to Afghanistan for 18 months because of his association with anti-Taliban fighters.

been, the absolute opposite of any civilization you could conjure up," Conway recalled. "The moment I left Kabul and went to the villages, it was incredibly primitive. The countryside was pure and unadulterated. The villagers were cut off from the world, had no infrastructure whatsoever, no communication with the West, no telephone system.

"The people were among the most hospitable, the friendliest I had ever met. They knew nothing of America and asked me what mountain pass did I come from. I remember telling them a few years later America had put a man on the moon. They thought I was a great storyteller.

"I visited one village and they saw I had a watch. The next season when I returned, I saw many of the men had tattooed a watch on their wrists.

See **CONWAY** page 13A

Coastal staff: Carmel needs more tourists

■ *Planner calls for more motel rooms, boardwalk, unlimited beach fires*

By MARY BROWNFIELD

CARMEL WOULD be a better town if fires were allowed everywhere on the beach, unlimited overnight parking existed on Scenic Road, new motel rooms were built by the score and businesses catering to tourists received preferential treatment over those serving locals, according to a letter sent to the city last summer by coastal commission planner Mike Watson. The letter was obtained by The Pine Cone this week.

Watson's comments were in response to the draft of the Carmel coastal land use plan submitted to the coastal commission earlier this year.

"On one hand they want us to protect the character of Carmel, and yet they don't seem to have an understanding of what makes that character," principal planner Brian Roseth said. "It's this balance between visitors' and residents' needs — not just being another tourist trap — that makes people want to come here."

Watson said the city's draft "does a good job" of providing for both locals and tourists, but parts of it seems to be inconsistent with the Coastal Act, including:

■ The city's policy of only allowing beach fires south of 10th Avenue and at least 25 feet from the base of the bluffs "unnecessarily discourages beach fires and runs counter to historic use of the beach," Watson wrote. He continued: "Much of Carmel's reputation and culture was created

See **TOURISTS** back page

Legislature may declare old lots invalid

By PAUL MILLER

WITH THE ink barely dry on Governor Gray Davis' signature last weekend on a bill to make modest changes to California's subdivision laws, lawmakers are about to consider additional legislation that could make it impossible for property owners to use some of the state's oldest parcels and make it easier for the government to eliminate other private parcels by merging them.

According to a source at the state capitol who did not want to be identified, hearings will start soon on new amendments to the Subdivision Map Act — the state law that regulates creation of new parcels for development. According to the source, possible new changes to the map act include:

■ declaring invalid any parcels that were shown on maps recorded before 1893 and which have never been sold separately or are now in common ownership;

■ giving local agencies new power, when development permits are issued, to require merger of separate, legal parcels that are owned by the same person, especially in rural and agricultural parts of the state;

■ making it easier to merge parcels

where a home or other structures have been built across property lines; and

■ stripping legal status from fractions of parcels created when portions were sold.

Such provisions would go far beyond the scope of legislation passed in September that merely limited the rights of property owners to adjust lot lines in order to increase the value of their land, and prohibited cities and counties from recognizing illegal parcels.

Amendments to the Map Act have been proposed after widespread publicity about the real estate maneuvers of Brian Sweeney, a Las Vegas businessman who turned a profit of more than \$40 million buying land in Big Sur and Santa Cruz County, digging up evidence of 100-year-old subdivisions and then selling to open-space agencies like the Trust for Public Lands.

The Hearst Corp., owner of a huge ranch surrounding Hearst Castle, also raised the hackles of coastal activists when it found evidence of 279 separate parcels on the company's 83,000-acre property in San Luis Obispo County. But the new provisions, if they become law, would do far more than curb real estate speculators and frustrate the profit goals of corporate landowners.

According to Alan Seltzer, chief assistant county counsel in Santa Barbara County and an expert on subdivision law, future changes to the Map Act could be modeled on a court decision last week that parcels shown on pre-1893 maps don't qualify as legal lots, and on a state law giving Napa County broad merger powers to protect ag land.

"In the 1800s we were a wide-open state and we were encouraging people to come here and settle," Seltzer said. "Now the state has to continue to grow, but the question is where? And how do we preserve our rural and agricultural lands?"

Susan Jordan, a board member of the League for Coastal Protection who helped lobby the legislature to pass the September Map Act amendments, has called tightening up the state's subdivision laws "the number one issue for coastal protection" in the state.

Jordan picked up a powerful ally when Julie Packard, CEO of the Monterey Bay Aquarium and board member of the Packard Foundation, joined her in authoring a commentary in the Oct. 6 San Francisco Chronicle complaining of a new "gold rush" in California land and calling for "loopholes" in the Map Act to be closed.

City seeks end to Sales' lawsuit

■ *Cites 'no evidence' of historic demolitions*

By MARY BROWNFIELD

A LAWSUIT alleging Carmel engaged in a "non-stop demolition parade" should be thrown out because Enid Sales and the Friends of Carmel Cultural Heritage haven't produced any evidence that the city broke the law or allowed the demolition of any historic buildings, attorney Debra Tipton argued in front of Superior Court Judge Michael Fields Oct. 12.

Sales has "not set forth one iota of evidence which demonstrates that Carmel has ever approved one single demolition 'illegally' in the context of CEQA," Tipton wrote in a court brief. (The text of the brief is printed beginning on page 5B.)

The plaintiffs should also allow

See **LAWSUIT** page 25A

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HOMEOWNER FILES APPEAL OVER DEMOLITION DISPUTE

By TAMARA GRIPPI

CARMEL PROPERTY owner Gary Martin — frustrated so far in his quest for a permit from the California Coastal Commission to demolish his decrepit, 80-year-old house — is now calling on the city to exercise its police powers to bring the house down.

The City of Carmel, wary of attempting an end run around the coastal commission, has so far declined to condemn the building as a nuisance and order its destruction, so Martin's attorneys have filed a formal appeal with the Carmel City Council.

Martin's appeal states that "as a result of the city's arbitrary and legally unjustifiable requirement that Martin obtain the coastal commission's approval, the city has precluded Martin from making any use of his property and effected a taking."

Carmel City Attorney Don Freeman, vacationing in Italy and unavailable for comment, has so far advised the city against issuing a demolition permit until the coastal commission acts.

"One of the underlying concerns of the city attorney was using the laws of our jurisdiction to get around another regulatory body and set a precedent for a number of demolition requests," said Carmel Mayor Sue McCloud.

Martin argued that since the city has already "red tagged" his Camino Real building as unsafe for habitation and ordered him to vacate, Carmel is obligated to follow through and declare the house a nuisance which must be demolished.

Describing his plight as being stuck in "a hideous Catch-22," Martin said he may reluctantly challenge the city in court.

"Because of the untenable situation they have put us in, we have started the process of putting the city on notice," Martin said. "We may have a claim."

Martin's current disagreement with the city may seem surprising, considering the

fact that last March the city's planning commission approved his plans to demolish the 80-year-old house and okayed the design for a new home.

However that decision, like all Carmel's development decisions, is contingent upon coastal commission approval. And Martin has encountered some maddening twists and turns in his attempts to obtain that approval.

On a close vote last July, the coastal commission rejected his demolition request on the basis that the house was potentially historic because cartoonist Gus Arriola once lived there. (Arriola has strongly disagreed.)

In August, Martin requested a special inspection by city building official Tim Meroney, who concluded the house was unsafe for habitation and told Martin and his wife to move out immediately.

With the new evidence that the house was unsafe, Martin returned to the coastal commission to ask its members to reconsider their earlier denial.

In September, they unanimously agreed to reconsider and scheduled that hearing for October. However, the commission's staff postponed the new hearing for at least another month after learning Martin's lots may have been merged at one time.

Martin is also applying to adjust the lot lines on his property — which consists of two lots, half of a third and portions of three others — that would create two legal lots of 6,900 square feet and 4,000 square feet.

"It's my understanding that the lots may have been merged by map or by deed sometime prior to Mr. Martin's ownership," said coastal planner Mike Watson.

Martin, who hopes to build a home for his mother on his other lot, strongly disagrees. "We were told when we purchased the property that we were buying multiple lots and the city confirmed that," he said.

Watson said the coastal staff is continuing to evaluate the status of Martin's property.

See DEMO page 9A



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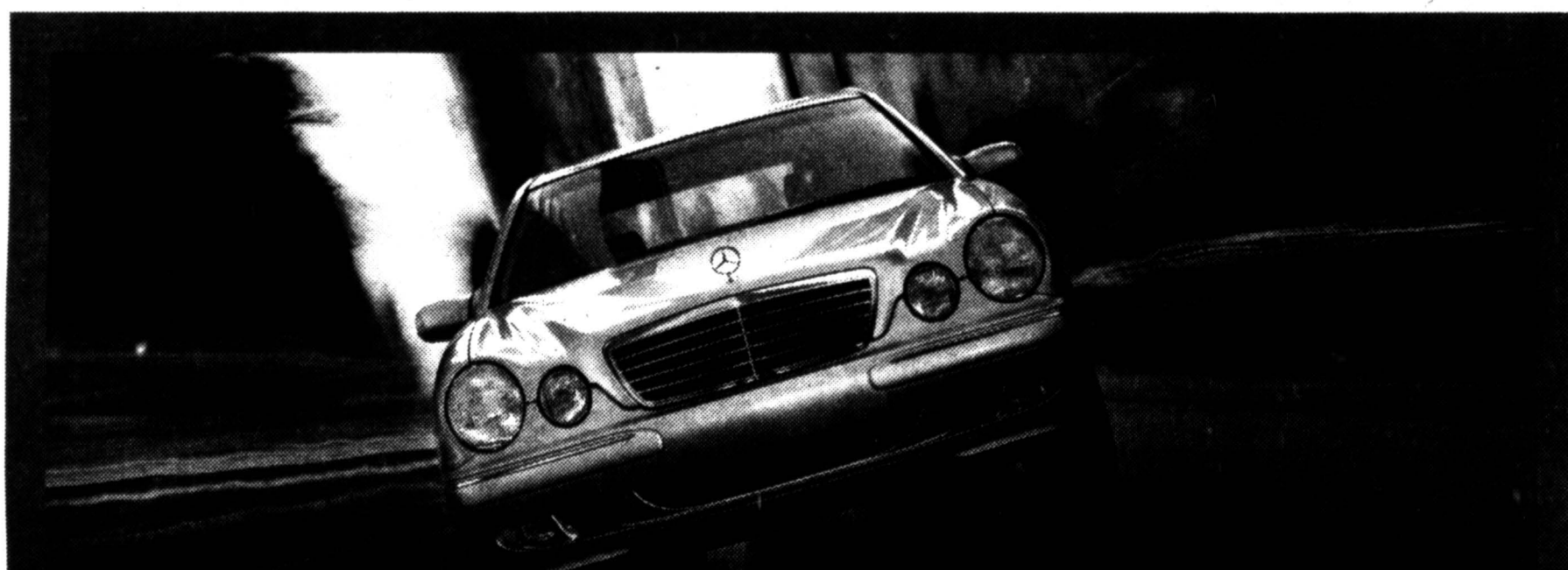
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Carmel applicants backing away from coastal commission

By TAMARA GRIPPI

SOME CARMEL property owners, getting the message that now is not a good time to ask permission from the California Coastal Commission to demolish a house, are postponing or withdrawing their applications until Carmel's local coastal plan is finished.

Two demolition requests scheduled for last week's coastal commission meeting in San Diego were pulled at the request of the applicants.

John Mandurrigo, who already received permission from the City of Carmel to demolish Hitchcock House on San Carlos Street in order to build a 13-unit residential care facility, withdrew his application after learning the coastal staff was recommending denial.

In the past few months coastal commissioners have pointedly denied several demolition requests, saying they should not even have come before the commission until Carmel's Local Coastal Program is finished.

Mandurrigo believes it is unfair for property owners to suffer because the coastal commission has a gripe with the city.

"It seems to me they're punishing individual citizens," Mandurrigo said. "This house shouldn't be used as a hammer to get the local government to do something for them."

William and Nancy Callahan — who were seeking permission to replace a house on Torres Street — requested their application be postponed from the October meeting when they learned it also got a thumbs down from staff.

"They're waiting to get a feel for where the commission is headed with respect to demolitions," said coastal planner Mike Watson.

Watson further explained that some applicants are "a bit hesitant at this point" to move forward with their projects. "Some of the applicants are willing to wait to see if the climate changes in the commission as the city nears completion of its LCP."

The decision to postpone was a practical matter for William Callahan. "I'm not going to take a trip to San Diego to have them tell me I can't tear my house down," he said. "It's wait and see, but I'm at the point now where I see there's really no hope."

Once the city's LCP is completed and certified by the coastal commission, Carmel will have final authority over its own development permits; property owners will no longer have to go through the Carmel permit process and then start from square one with the coastal commission.

Mandurrigo, who was up against a deadline and who had already received a 90-day extension, didn't have the option of postponing his application and instead decided to with-

draw.

Now he must begin the entire application process again. "costing everyone who's caught in this thing a great deal of money," he said.

But Mandurrigo hopes a proposed amendment to the city's municipal code will help people facing a coastal commission reluctant to approve more demolitions in Carmel. The city's planning staff proposes a time extension for applicants who've been approved by the city and who've "diligently sought" a permit from the coastal commission.

The planning commission and city council will review that proposal and decide if it should be included in the LCP's implementation plan. If approved, individual requests for time extensions would go before the planning commission.

Not everyone seeking a demolition is backing away from the coastal commission. Watson reports he'll be reviewing

See **APPLICANTS** back page

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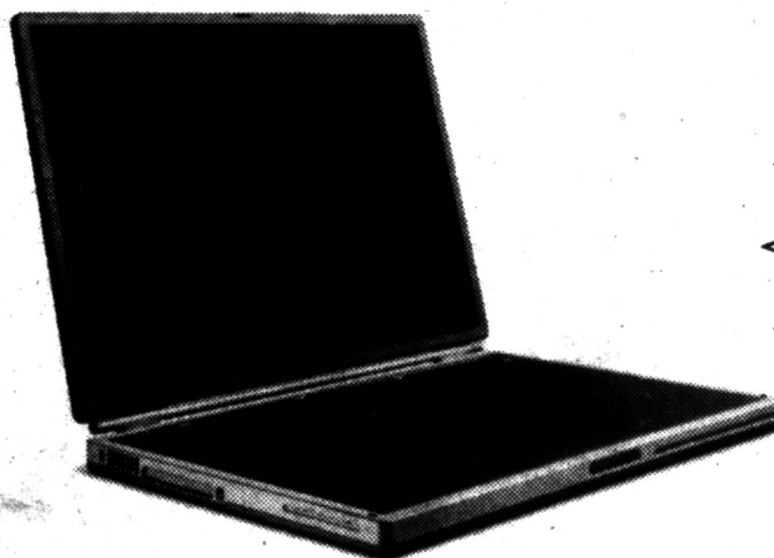
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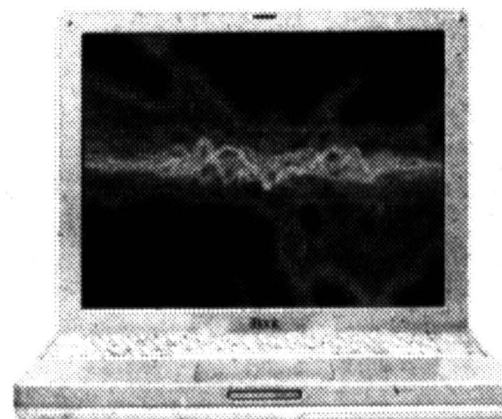
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Police & Sheriff's Log

Golfer sees beach as one big bunker

HERE'S A look at some of the significant calls logged by the Carmel-by-the-Sea Police Department and the Monterey County Sheriff's Department last week.

SUNDAY, OCTOBER 7

Carmel-by-the-Sea: Report of a loud party

at Mission and Fifth. Noticed a private party sign hanging on the door, live music playing and several people outside on the sidewalk. Spoke with one of the waiters, and he agreed to close the doors and move the party inside. Gave the restaurant manager a copy of the CMC on live entertainment. He said he believed there

was no violation because the event was private. He will contact the city attorney for interpretation.

Carmel-by-the-Sea: Assisted a citizen who reported being bothered by a subject after she refused his advances.

Carmel-by-the-Sea: Report of a spare tire stolen off a 1999 Dodge Magnum at Sixth and San Carlos. Estimated loss \$525.

Carmel Valley: A 1988 truck parked on Carmel Valley Road was towed for expired registration.

Carmel Valley: Suspect arrested in Carmel Valley Village for driving under the influence of alcohol.

MONDAY, OCTOBER 8

Carmel-by-the-Sea: Assisted management at a Junipero bar and restaurant at closing time.

Carmel-by-the-Sea: Report of a golfer dri-

ving golf balls on the beach. Practice discontinued upon officer's arrival.

Carmel-by-the-Sea: Report of a 911 hangup at Torres and Ninth. Resident advised his young son dialed 911 and all were fine.

Carmel-by-the-Sea: Report of a woman dressed in blue pants running north from San Carlos and Ninth yelling as she was running toward downtown. An area check was made with no results.

Carmel-by-the-Sea: San Carlos resident wanted her residence fingerprinted because she believes someone is entering her house when she is out. She stated "people" from Stanford University are out to get her because she knows too much. She also asked if her residence could be checked for "bugs" because "they knew too much about what is going on" in her life.

TUESDAY, OCTOBER 9

Carmel-by-the-Sea: Welfare check requested on a Mission Street resident. Subject found at home and everything was OK.

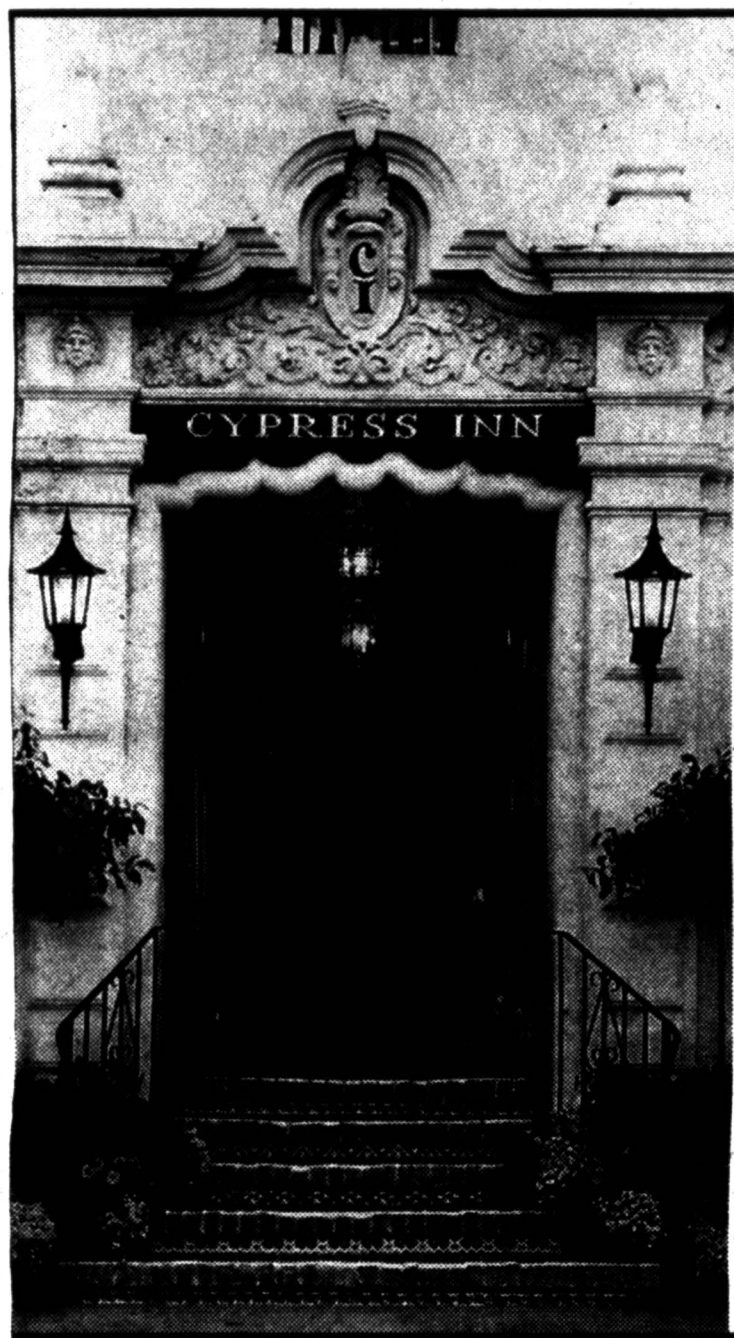
Carmel-by-the-Sea: Report of fraudulent use of credit cards at an Ocean Avenue business 07/29/01 to purchase \$15,520 in jewelry. Same business reported additional fraudulent use of credit cards 09/10/01 in amount of \$6,250.

Carmel-by-the-Sea: Woman requested close patrol due to her next door neighbor. She thinks the neighbor will try something to harm her because the two are at odds.

Carmel-by-the-Sea: Report of smoke coming from a Fifth Avenue restaurant. Apparently, a neighbor who lives in an apartment adjacent to the restaurant had ignited a fire in the fireplace.

Carmel area: Report of a suspicious person in a dark

See **POLICE LOG** page 9B



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BY ELIZABETH C. GORSKI / EDITED BY WILL SHORTZ

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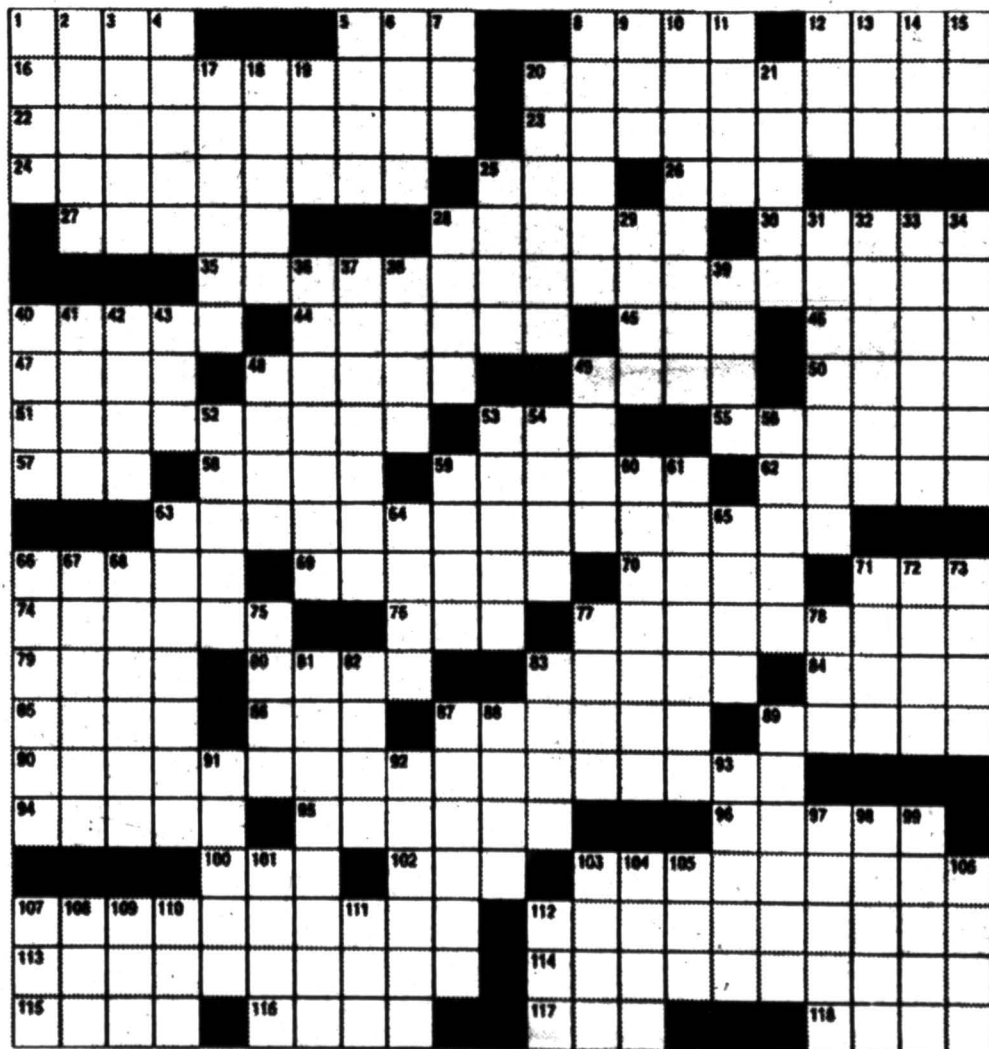
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The Golden Years



By Myles Williams

In the ongoing debate regarding vegetables, European researchers are sending us back to the stove. Studies show the body absorbs up to five times more disease fighting antioxidants from vegetables that have been cooked than from vegetables eaten raw. The theory behind the study is that cooking or mashing a vegetable breaks down the plant cell walls that contain antioxidant vitamins.

At 85 years old, Sophie Meyers adds a touch of "senior" class to the alumni at St. John's University. When she collected her sheepskin in liberal studies last year, she earned the distinction of being the oldest graduate in the New York college's 130-year history. She enrolled at St. John's thirty years ago but had to drop out when her computer job kept her on the road. Is a graduate degree in store for Sophie Meyers? "Maybe," she said, with a smile.

Remember When? In 1990, the average salary in the United States was \$23,602.

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Answer to puzzle
on page 10A

THIEVES

From page 1A

they began searching pawn shop records for the stolen jewelry. Pawn shops report monthly to law enforcement on items they've bought and compile information on the sellers, including their fingerprints. Geyer reportedly sold the ring to a Hayward loan broker, CPD officer Mike Calhoun discovered.

"He got the ring back from his girlfriend, saying he needed to get it appraised," said Chandler said. "She never heard from him again; he hawked it the next day."

Chandler said Carmel P.D. will submit its case to the Monterey County District Attorney's Office for filing once some final work is done.

"We just need to get a picture of this guy and line him up and get him identified by Kerry Lee," Chandler said. "He left his thumb print at the pawn shop, and proper I.D., and everything." He called the case a no brainer.

Greenwich Time was also hit by thieves who used stolen credit card numbers in July and again in September to bilk the business out of more than \$35,000 in timepieces.

A couple carrying passports and Canadian drivers licenses reportedly purchased two men's watches valued at \$15,520 with a credit card that had a faulty magnetic strip. When the card came up unreadable, an employee manually noted the number and received approval by phone, and they left with the watches.

The store later learned the card was a counterfeit copy — the true cardholder had no connection with the purchase, was not even in Carmel at the time, and was unaware the number had even been stolen until receiving a credit card bill weeks later, according to CPD officer Mel Mukai.

Most credit card companies will not pay for a fraudulent charge if the store has not taken an imprint of the card, Mukai said, meaning the store is probably out of luck. The same is true for phone orders.

Greenwich Time took two phone orders for watches on the same day in September — one for \$6,250 and another for \$13,524, according to Chandler.

In the first case, a man entered the store, chose a watch as a "surprise gift for his wife", and phoned in a credit card number for it the following day.

The store obtained authorization from the credit card company and shipped the package via Fed Ex to the billing address.

Someone signed for it, according to Chandler, but apparently it wasn't the person who received the bill. Police are hoping to obtain information about the suspect from the Fed Ex driver who delivered the goods.

Later that day, a man phoned in an order for a \$13,524 watch, but said he needed it right away and would hire a courier to come down and pick it up rather than have it shipped. A driver picked up the watch and delivered it to someone in Emeryville, Chandler said.

The store is probably out the money in these cases too, according to Chandler — another reminder that businesses should ask credit card companies to verify large phone orders with their cardholders.

"You're at risk otherwise," he said. "If you don't take proper care in a transaction, you're going to end up losing your money."

A 64-year-old man who reportedly walked out of Kocek Jeweler with a \$7,760 platinum and diamond ring last March has been arrested on similar charges in the San Francisco Bay area, according to Chandler.

Carmel P.D. charged Clinton Williams with burglary and grand theft for allegedly taking a ring while shopping with his wife for an anniversary present. As Kocek displayed the rings, one disappeared.

"Kocek confronted the guy when he came back to the counter, and the guy denied it," Chandler said. "When he was trying to contact police, the guy walked out. That's pretty much been his M.O. for ripping off jewelry stores."

Williams was identified when officer Calhoun realized the suspect caught on Kocek's surveillance tape resembled a man who reportedly stole a \$4,000 loose diamond from a Saratoga store three months later.

Williams — on parole for grand theft and prohibited from even being near jewelry stores — was also spotted in three Los Altos shops in May, according to Chandler. Williams also faces criminal charges for theft and parole violation in the Bay Area.



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Theft of Piccadilly Park bench baffles garden club members

By MARY BROWNFIELD

THE TEAK bench at the front of Piccadilly Park has disappeared, and members of the Carmel-by-the-Sea Garden Club — who raised \$150,000 and spent hundreds of hours renovating the park a few years ago — want to know where it went.

"We hope that whoever took it will bring it back," said garden club member Nancy John. "I was really disappointed and somewhat shocked to see that someone could do that."

Although the park is city-owned, the Carmel-by-the-Sea Garden Club has helped maintain it since the 1998 redo, with members coming a by a few days a week to water and "kind of watch over it," according to John.

"The club will probably give the city another bench," she said. "But we have to work awfully hard for our money."

'The club will probably give the city another bench. But we have to work awfully hard for our money.'

— Nancy John

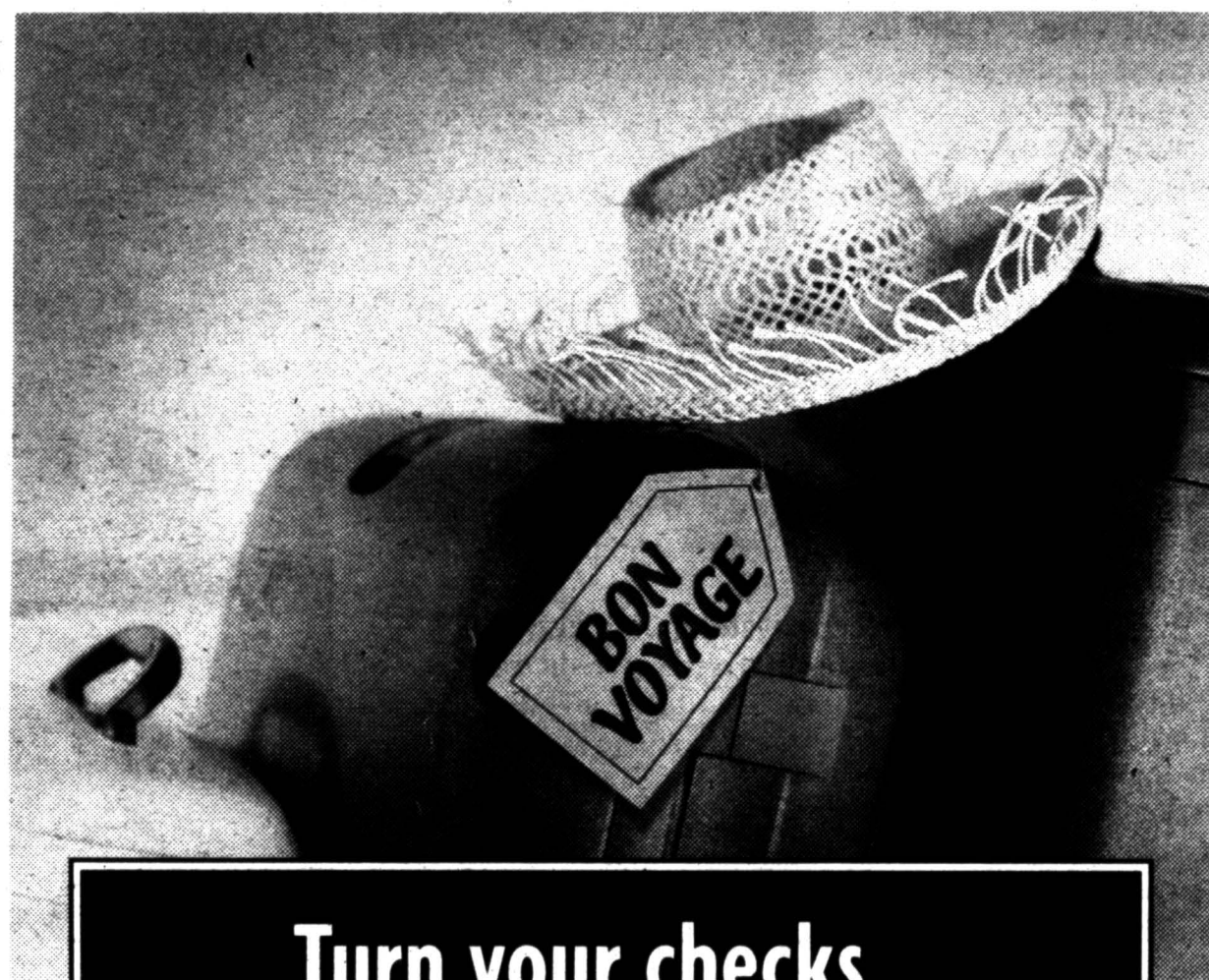
Members will hold a meeting to determine whether they should order a replacement directly from Smith & Hawken, which carries teak benches priced up to \$1,095, have the city make the purchase with reimbursement from the garden club, or come up with another plan.

The theft was reported to police Oct. 15 by the forestry department, according to CPD Detective Sgt. Terry Chandler.

The bench had been bolted down at the front of the park on Dolores Street.

John hopes an eagle-eyed resident will notice the bench somewhere it doesn't belong and report it so it can be returned before the club goes to the trouble of scraping together enough money to buy a replacement.

"It just doesn't make sense that they'd do something like this," she said.



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Water district boosts watchdog role with new water transfer rules

By MARY BROWNFIELD

WATER TRANSFERS will be allowed again, along with changes to ensure they save water, the Monterey Peninsula Water Management District decided this week.

The MPWMD board of directors voted 4-3 to approve new water transfer rules, which are a "culmination of several years worth of work," water demand manager Stephanie Pintar told the board. The district commissioned studies — which were inconclusive — to determine if water transfers under the old rules saved any water, and suspended transfers while deciding what to do.

The old rules allowed transfer of water from one commercial property to another or from private property to local government which could then allocate the water to projects it deemed worthy.

When water was transferred under those rules, the water district took 15 percent of the water and "retired" it. But because water being transferred had often sat unused for months or years at the donor sites, actual water use sometimes increased after the transfer occurred. That, along with concerns that the system was being abused, led the district to propose new rules.

According to the ordinance approved by the board this week, properties eligible for donating water credits to another site must have at least five years of documented water use history. The historical numbers would be compared to district estimates based on the type of water use on the property, with the lowest number used to calculate how many credits could be transferred.

"By using the lower number, we are being very conservative about the amount of water being transferred off the site," Pintar explained.

Of that figure, only 50 percent goes to the receiving property, with 35 percent taken by the district and the final 15 percent sent to the jurisdiction in which the transfer occurred, to use as it chooses. A municipality would receive 65 percent — 50 percent of the credits plus its normal 15 percent — in property-to-jurisdiction transfers.

The new rules also call for monitoring the originating and receiving sites for at least five years to see if actual water use exceeds projected water use. If water use is greater than allowed, the property owners would be warned each year, and at the end of five years the district would take water from the jurisdiction to make up the difference. The property owner would be charged a fee.

Even properties that receive water from a jurisdiction — so long as that water is the result of a water credit transfer — would be subjected to monitoring and fines, and would have to obtain a water permit from the district before receiving a building permit.

A handful of members of the public commented on the proposed ordinance, including Carmel Valley residents Fran Farina and Robert Greenwood, both of whom opposed it.

"No property-to-jurisdiction transfers should be allowed — the original intent was commercial-to-commercial," Farina said. She also asked how the district would be able to debit a city's water allocation later if the city didn't have any water left.

Representing Pacific Grove Mayor Sandy Koffman, councilman Bob Davis — who called Pacific Grove the "naughty little city on the tip of the Monterey Peninsula" because it allowed water transfers — reiterated pleas from Peninsula cities for a reliable water source.

"There's been a lot of discussion about affordable housing, and water is an essential factor if we're to provide safe, affordable housing for a large portion of the population," Davis said.

Seizing upon the affordable housing issue as a way to prevent water transfers from private property to a municipality, director Zan Henson proposed placing those credits into a community reserve controlled by the water district. Area governments would then have to get permission to use the water for specific projects.

"It seems to me that a vote against [this] is a vote against providing affordable housing," Henson said. "I have proposed a manner for providing water for low and moderate

income housing, not letting it go back to the cities which have a proven track record of not using it for that purpose."

Director Molly Erickson applauded Henson's idea. "I think that's a very creative solution," she said. "We have heard over and over again from the jurisdictions that they want water for affordable housing, and this would be the perfect way to do it."

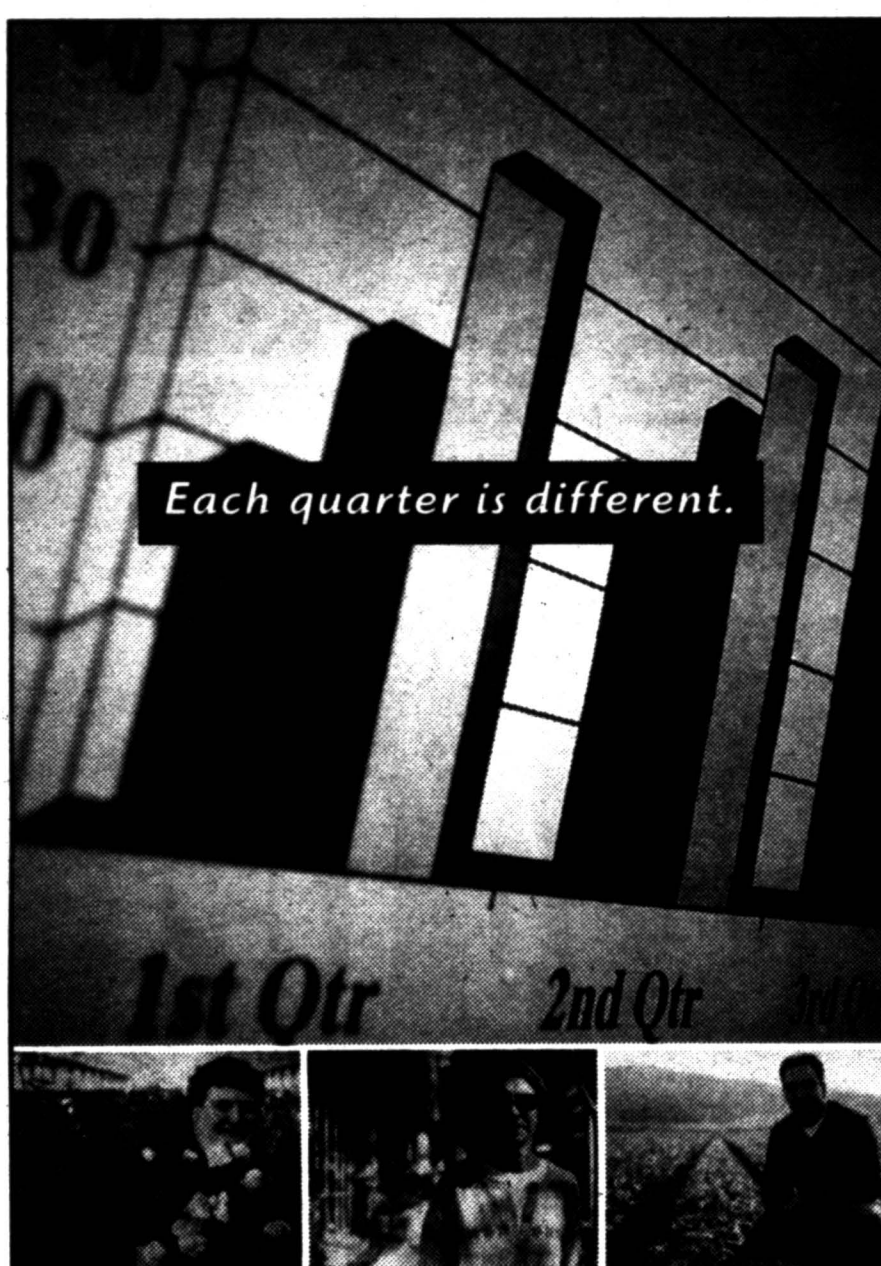
Co-chair Alvin Edwards argued that the district should avoid making land-use decisions.

"It should be the city councils and planning commissions — not this water board — saying, 'You will put houses up, you will put businesses up,'" he said.

Henson's motion failed 3-4 when chair Dave Potter opposed it for its narrow scope, saying a community reserve should provide water for other worthy projects like schools, senior facilities and youth centers.

Director Ron Chesshire proposed language to put the general manager and staff in charge of approving water credit transfers — as opposed to the more vague reference to "district," which could include the board — but that motion also failed 3-4.

The board ultimately approved the ordinance as written. If adopted on its second reading next month, the ordinance would take effect Dec. 19.



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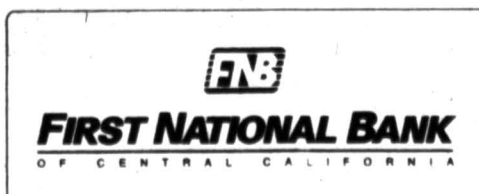
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Haz-mat response prompts warnings

WHEN A Carmel man brought a bag of a suspicious-looking granular substance to the Carmel Police Department Oct. 15, emergency personnel were summoned to identify its contents. As such scares become more frequent, local agencies are cautioning people to take care and use common sense in protecting themselves.

After members of the coastal hazardous materials crew from Seaside Fire Department removed the bag from the building, haz-mat coordinator Chris Reitenour determined in tests at the scene that the substance was some sort of pesticide.

Reitenour encouraged residents to follow some practical steps when dealing with a substance they believe could be hazardous.

"If you come across a package, especially if anything is leaking from it — a powder or a liquid — or something really concerns you, gives you an uneasy feeling — obviously that warrants a call to 911," he said.

Don't touch the questionable substance, show it to others or take it anywhere. Just leave the room and call the authorities.

"We've had a number of cases where people have touched it," he said. "When we do that, we wear special suits — that should tell you something."

But anyone who's inadvertently touched a suspicious material can wash it off, he said.

"Don't panic — let common sense guide you," he said.

On the preventative end, Carmel Fire Chief Sidney Reade recommended labeling items when removing them from the original containers so people don't later forget what they are.

She also encouraged residents to call on the fire department and police if they are uncertain. "It's a time of anxiety and fear, and we have resources in the community to address this, to determine if something is a threat or not," she said.

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Carmel Valley

Court says county must let owners get to their land

By MARY BROWNFIELD

THE COUNTY can't keep Tierra Grande property owners John and Martha Kenny and Barbara McFarland off their 30-acre parcel, Monterey County Superior Court Judge Richard Silver said during an Oct. 12 hearing.

Silver agreed with the property owners' attorney, Scott Sommer, that they have "abutter's rights", meaning they can use public land — even the one-foot-wide "non-access strip" that runs between their parcel and Via Cazador — to get to their private property.

The disputed strip of land was imposed by the Monterey County Board of Supervisors in 1964 when it ruled the strip "shall not be open for public use or travel until such time as it is opened by formal order of the Board of Supervisors of Monterey County."

The county had said the non-access strip prevents the Kennys and McFarland from developing their property until the supervisors decide to remove the strip — an action that would require an EIR. County legal staff had advised the owners they did not have legal access to their property, and required John Kenny to obtain a temporary "license" to drill three wells on the parcel. County counsel Adrienne Grover later said the owners could cross the strip only to perform maintenance and landscaping, not to develop any sort of structure.

But Sommer argued that although the strip may be closed to the public, it cannot block people who own property adjacent to it. Abutter's rights are so common that people take them for granted; residents count on them every time they use a public street to enter their homes. The rights were designed to prevent the government from barring people from their own property, and Sommer contended that a county-imposed non-access strip could not be used to keep legal property owners off their land.

"It's very hard for the county to argue abutter's rights don't exist," he said, and Judge Silver agreed.

"Kenny has abutter's rights, which were not affected or impaired by the one-foot non-access strip at all," Sommer quoted the judge as saying from the bench. Judge Silver has yet to file his formal written decision, which must be submitted within 90 days according to state law.

The judge is also considering whether the Kennys and McFarland received proper legal notice of the presence of the strip before they purchased the property.

Although it is noted on a 1964 subdivision map, the narrow strip did not appear on a 1967 map and was not discovered in a title search conducted before the Kennys and

McFarland closed escrow, according to the lawsuit filed last March.

But since the judge already stated the non-access strip has no bearing on the Kennys' and McFarland's access to their

property, Sommer said the issue of proper notice is really just additional grounds for the court to rule in their favor.

"It's a belt-and-suspenders case for us," he said.

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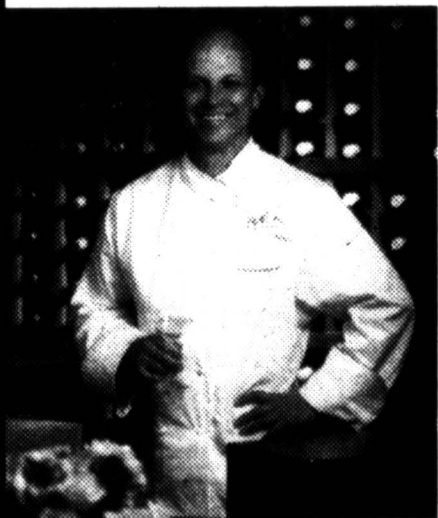
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DEMO

From page 2A

With the lot question left to be resolved, Martin is now focusing on finding a way to move forward with his demolition. He believes it's now up to the city to act on his demolition request and that the coastal commission's approval is unnecessary.

Watson confirmed the city "can exercise its police powers to declare any building a public nuisance and order that nuisance be abated."

"At that point it would have to be demolished," Watson said. "There would be nothing left for us to evaluate."

However, the Carmel Planning Department doesn't consider Martin's home to be a nuisance.

"The building inspector determined the house wasn't in its current state fit for human habitation, but he did not condemn the building," said acting planning director Chip Rerig. "He did not find that the structure is an imminent threat to health, safety or welfare of the community."

Rerig added that the city also questions whether an abatement order is something that can be appealed.

While Carmel's building code allows for a board of appeals, the city does not have such a board in existence. Rerig said the city will wait to hear from Freeman about whether the city council should set up such a board or handle the matter itself.

SENIOR LIVING

Device will keep floating garbage from sailing to Carmel Bay

By TAMARA GRIPPI

BULLDOZERS AND excavators were out in force on Carmel Beach this week, as construction crews installed a new "stormwater pollution separator" deep beneath the sands at the foot of Ocean Avenue.

The 20-foot-deep concrete device, attached to the storm drain that empties into Carmel Bay, is designed to keep all the "floatables," including Styrofoam cups and plastic bottles, as well as heavy debris, from flowing out into the ocean.

The new pollution interceptor, which uses centrifugal

force to separate the debris from rain water, may also to collect a limited amount of oils and chemicals.

Carmel Public Works Director Jim Cullem said the city is fortunate not to have much of a problem with liquid contaminants. "It's more of a problem taking the junk out," he said.

Carmel was able to fund the purchase of the Carmel Beach pollution separator as well as a similar apparatus for the Fourth Avenue storm drain outfall with a \$105,000 state grant and with \$50,000 of city money.

The Carmel Beach and Fourth Avenue locations were chosen because they deliver the largest amount of stormwater to the bay, Cullem said.

Installing the pollution interceptors is part of an overall effort by the city to comply with urban runoff standards in the 1986 Clean Water Act, Cullem said.

The federal guidelines require cities to reduce "non-point source" pollution from their streets — oil, pesticides and the like that come from streets and yards, rather from a single point. Eventually, Carmel will have to apply to the EPA for a federal permit to manage its stormwater systems.

"We're in a position to take advantage of grants to get something built," Cullem said. "We want to be as proactive as possible."

The city will also step up its inspection of vehicles that could be leaking oil and will increase street sweeping.

The stormwater pollution separator on Carmel Beach will be emptied every few months by public works employees.

In addition, the city will be able to make use of



PHOTO/TAMARA GRIPPI

Construction crews assembled the huge pollution separator in a deep hole at Carmel Beach one piece at a time.

Monterey's huge "Vector" truck — with a vacuum that can reach to the bottom of the apparatus to clean out the heaviest materials — at least twice a year.

The city plans to install the other separator on Fourth Avenue and San Antonio — the major stormwater outfall for the north end of town — within the next 30 days.

Robert Enz Construction, a Hollister-based company hired to install both pollution separators, is also replacing storm drains between Guadalupe and Third Avenue and between Santa Fe and Fourth Avenue.

That project is designed "to get the storm channels out from under private homes and replace the privately owned system with a city-owned and operated system," Cullem said.

The city is still looking for funding to install a third pollution separator for the Mission Trail Nature Preserve outfall that empties into the Carmel River.



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SENIOR LIVING

Mapping project to keep tabs on pitch canker in Carmel

By TAMARA GRIPPI

CARMEL CITIZENS are encouraged to attend a special pine pitch canker training class Oct. 19, which will prepare them to take part in a major research project to track the presence of the disease throughout Carmel and other Peninsula areas.

U Win, Ph.D., a research associate at California State University Monterey Bay's Spatial-Information Visualization and Analysis [SIVA] Resources Center, will be leading the training session at 1 p.m. Oct. 19 at Vista Lobos Community Room with Carmel Forester Mike Branson and Monterey Forester Robert Reid.

The pitch canker mapping project, funded by a \$150,000 grant from the California Department of Forestry, aims to track the concentration and severity of the disease throughout Carmel, Point Lobos and certain areas of Monterey.

Volunteers and researchers participating in the project — a joint effort between CSUMB and the Monterey County Agricultural Commissioner's office — have already completed mapping the disease around Asilomar.

After gathering the survey results, Win and his associates will use CSUMB's remote sensing technology — including satellite photos — to plot the concentration of pitch canker on maps of the area.

Following the trail

Win explained that important information can be obtained by taking a look at the pattern of the disease in large areas.

"We will learn if there is anything contributing to the infestation and spread," Win said. "Could it be related to transportation, power lines, elevation, the soil or closeness to the ocean?"

In 2004, Win plans to conduct another ground survey and mapping project to determine the pattern of spread — including the direction and how quickly new trees are infected.

The mapping project relies on volunteers to help put together a survey of afflicted trees in a given area. Branson said those participating in the Carmel-by-the-Sea mapping project will collect information on city-owned trees.

Volunteers who attend the Oct. 19 training session will learn how to identify the disease, evaluate the age of the tree, the severity of the infection and learn how to tell the difference between pitch canker and other afflictions that mimic its symptoms.

Planning for the future

Branson said Carmel's forestry department will benefit

from the information. "We'll have help planning where we need to focus new tree planting and evaluating trees for removal," he said.

The mapping project will also allow the researchers to keep tabs on areas that could become infested with the disease. "We have a little bit of concern about Jacks Peak, which is clean right now," he said.

But since pitch canker has already been discovered in the foothills on the Carmel Valley side of Jacks peak, Win said he would be paying careful attention to whether the canker is

spreading.

Branson is hopeful the results of the mapping project will actually show the disease's impact is lessening — a phenomenon already observed by University of California scientists who found evidence that pines infected with pitch canker were going into remission.

"The future may hold some visualization of pitch canker's diminishing effect on the forest — we hope not because of diminishing trees," Branson said.

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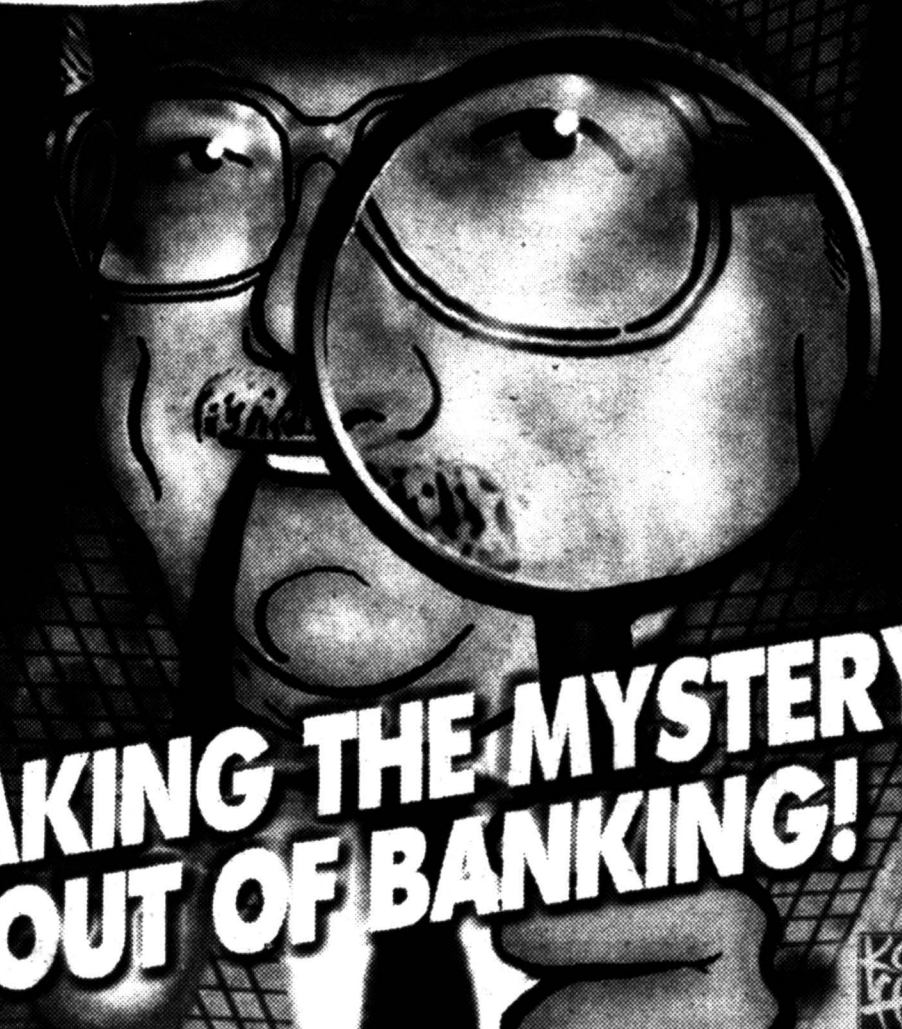
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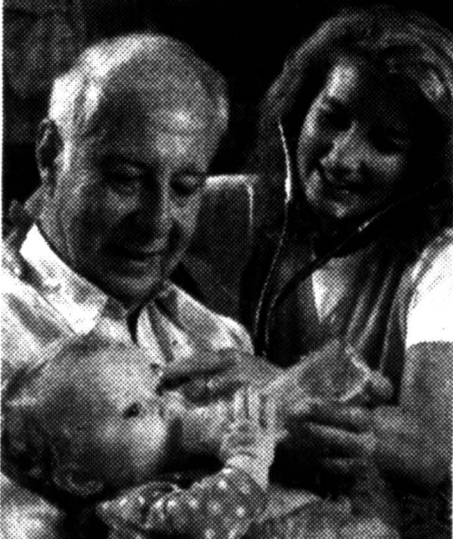
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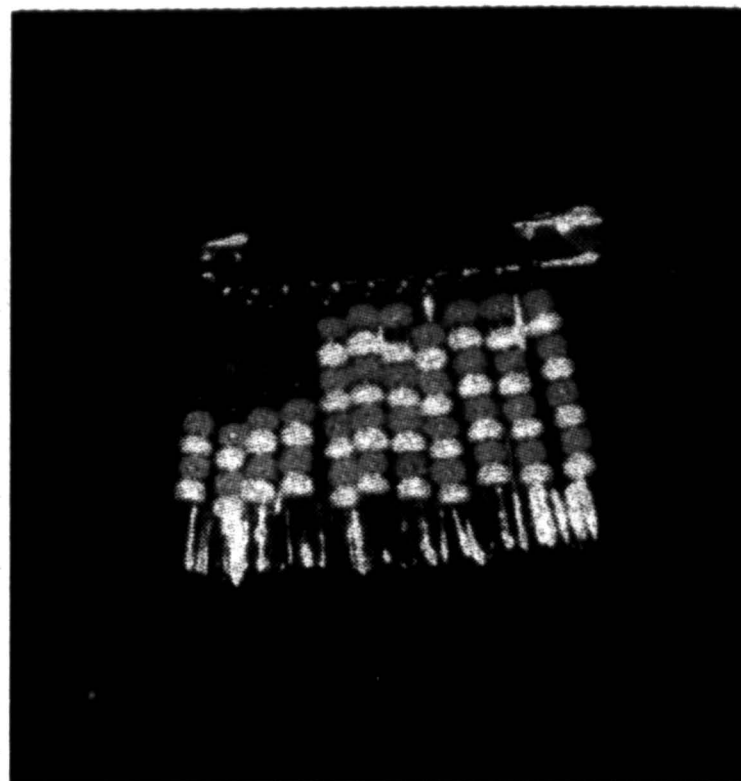
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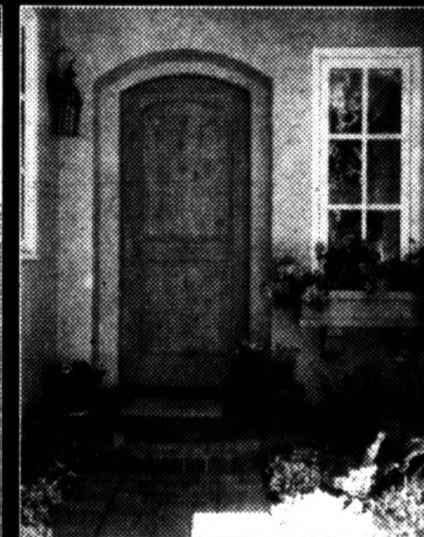
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CONWAY

From page 1A

They were amazed at things like shaving cream, even matches. (They still used flint and tinderboxes to get fire.)"

Conway, who graduated from Carmel High School before attending the Sorbonne in Paris to study language, spoke fluent Farsi when he arrived in Afghanistan. He later acquired the language of the Pushtu majority. His then-wife also spoke Farsi and could communicate with the women — something absolutely forbidden for Conway.

"In all the years I've been in Afghanistan, I've never had a conversation with a tribal woman. If you were to go to the old bazaar in Kabul in 1964, 45 out of 50 women would be veiled [completely, in a burkha], including girls over 14. Younger girls wore the chador [covered except for the face]." The only women in Afghanistan who were not veiled were the nomadic gypsies.

"My American wife was always treated with tremendous respect. She knew how to behave and was always covered, dressed in a chador, so there was no offense. She was allowed in the village women's quarters and found them wonderfully curious and excited to know everything about American life.

"We went into Nouristan, in the northeastern part of Afghanistan, where Alexander the Great's army was 2,400 years before. There are a lot of green-eyed and blue-eyed blonde Afghans there, so I felt a little bit more at home."

Conway saw a different Afghanistan than the dusty, desolate place shown most recently on television.

"Afghanistan is a country of the most inhospitable terrain but laced within these valleys of the Hindu Kush of the Himalaya are verdant oases. They are resplendently green. There might be 30 different types of grapes growing, and an equal number of melons. It's not unusual for an Afghan to travel two and a half days just to taste the melons of another village. Afghans will sit down and quarrel over which village has the best pistachios. They are subsistence farmers, trying to eke out a living there, so the saddest thing of all is: How can we go after the terrorists without inflicting tremendous collateral damage on the people? It's almost impossible."

Conway explained that the people didn't welcome the Taliban and its straightjacket version of Islam; they just had no way to resist so they followed the leaders who had money.

"The Taliban rose to power artificially through the support of Pakistan and the American government. A few terrorists have bound and gagged Afghanistan; their extremism is not the will of the people. Afghanistan is practically 95 percent illiterate, especially after the long war [with the Soviet Union]. These people are more interested in being fed, in feeding their families. You'll see now defections going from the Taliban to the Northern Alliance. If the Northern Alliance pays them the \$4 a day to fight instead of the Taliban, there will be mass defections."

During the 11-year Soviet/Afghan war, Conway continued his trading trips to the country. He brought medicine for

the suffering villagers in the northeastern sector, where he came to work with Ahmad Shah Masood, the leader of the anti-Taliban forces who was murdered two days before the Sept. 11 terror attacks on the United States. Conway was tremendously saddened by his death.

"He was a fantastic man, a self-taught man, a brilliant leader and a legend, but very humble. One of the greatest blows of terrorism that bin Laden leveled on the world — and I have no doubt he was the cause — was assassinating Ahmad Shah. It was also the greatest gift Osama could have given the Taliban."

Conway made his trips to buy Islamic art, rugs and furniture to sell in his shop on Dolores Street in downtown Carmel. He hasn't been to Afghanistan for 18 months and said that even before Sept. 11, it became far too dangerous for him because of his association with the anti-Taliban leader.

But with the backing of the United States, Conway believes the Taliban can be defeated and replaced by a coalition government, possibly with the 87-year-old former Afghan king, Zahir Shah, as its titular head. He warned that Afghanistan, with "30 ethnic groups and the longest history of fratricidal warfare in the world" cannot be ruled by just one faction, and that all tribes — even some moderate Taliban — will have to be invited to the table if peace is ever to return to Afghanistan.

For the near term, what should the U.S. government do to bring down Osama bin Laden and his terrorists? Offer a huge bounty, said Conway, but for God's sake, do not capture and execute bin Laden.

"We should not say, 'We'll pay you five million dollars to get them.' We should offer \$50 million and let the Afghans deal with him. If we go in and martyr him, it would be the worst thing we could do. He would become the rallying point for the uneducated that make up the mobs of the Third World."

Pakistan is far more dangerous to us than Afghanistan could ever be. I pray that it is not we who find Osama, but that his own people do."

Editor's note: The CRA will host Glynn Wood, a professor at MIIS and an expert on Afghanistan, to discuss the bin Laden crisis Thursday, Oct. 25, at 4:45 p.m. at the Vista Lobos Community Room, Torres and Third.

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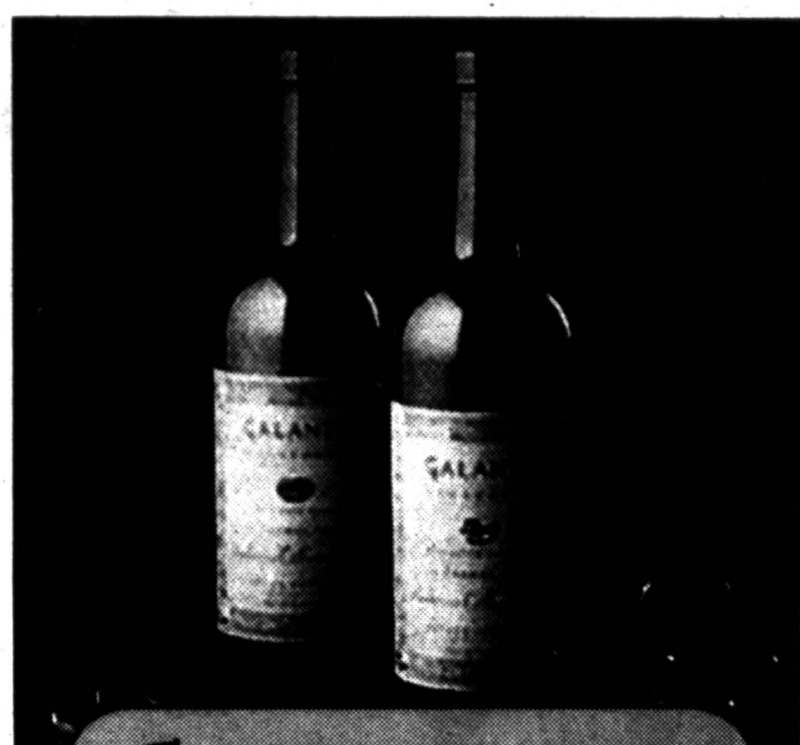
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Earthbound Farm Stand stays open this autumn

IN A break with tradition, the stand at Earthbound Farm in Carmel Valley will remain open Saturdays into December. In past years, the stand closed for the season on Oct. 31.

From Nov. 3 to Dec. 15, the farm stand will be open 11 a.m. to 4 p.m. Saturdays. It is located at 7250 Carmel Valley Road, just past Hacienda Hay and Feed.

The stand features fresh organic produce, Big Sur Bakery breads and pastries, gift baskets, wreaths and decorations, organically grown flowers and pumpkins, gourds and Indian corn. To learn more, call 625-6154.

Earthbound Farm's Pumpkin-Date Bread

Moist and delicious, this tea bread heralds the fall season. For a special treat, serve warm with honeyed cream cheese. The recipe makes two loaves, and the bread freezes beautifully if tightly wrapped in plastic and then foil.

TIME TO PREP: 15 minutes
TIME TO BAKE: 90 minutes
YIELD: 2 loaves

Ingredients:

4	eggs
1 cup	vegetable oil
2 cups	organic pumpkin (cooked and mashed)
1 cup	chopped dates
1 cup	chopped pecans or walnuts
3-1/2 cups	flour
2 tsp.	baking soda
1/2 tsp.	baking powder
2-3/4 cups	sugar
1 tsp.	nutmeg
1/2 tsp.	ground cloves
1 tsp.	cinnamon

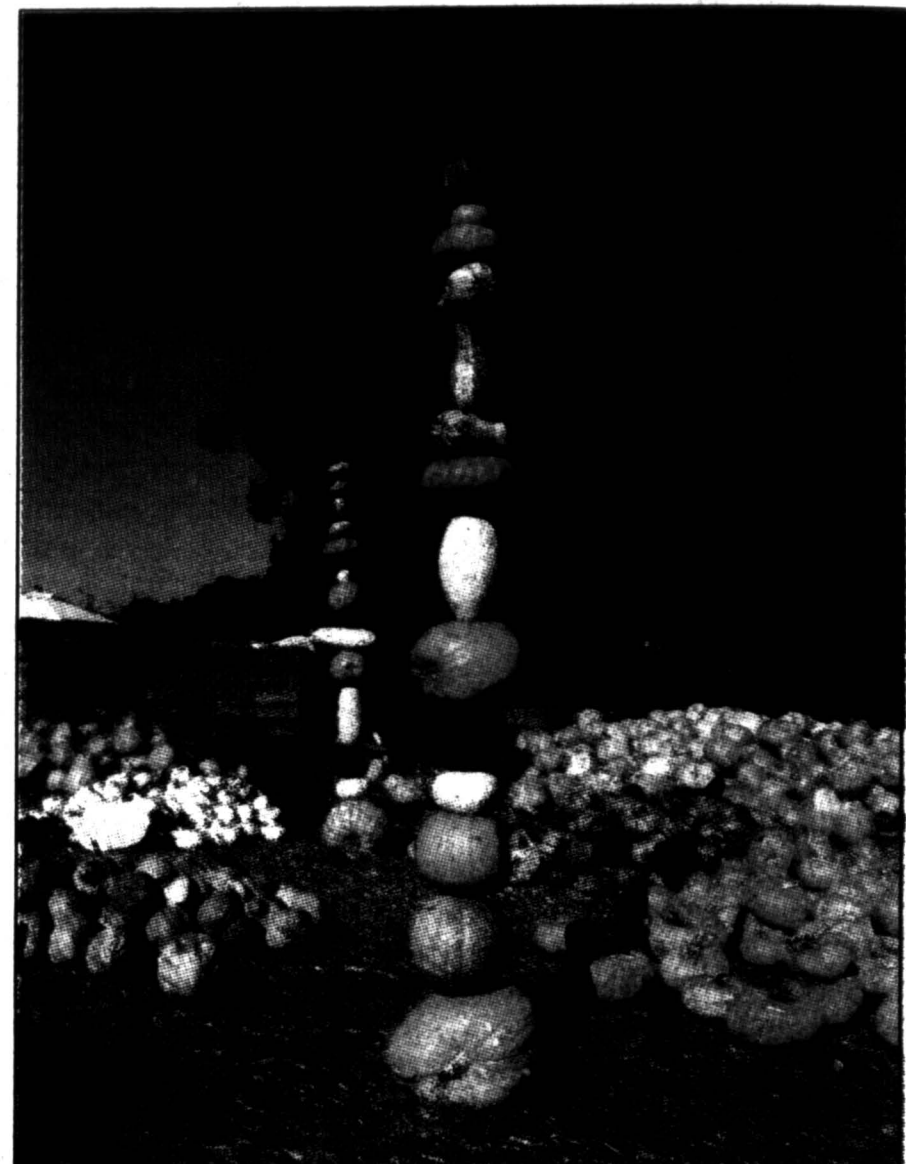
Preheat the oven to 350 degrees.

Whisk the eggs with the oil in a mixing bowl. Add the pumpkin puree, dates and nuts, and stir to combine.

In a separate large bowl, sift the dry ingredients together. Add the pumpkin mixture, and stir briskly to blend. Do not overbeat!

Divide the batter between two greased full-sized loaf pans and bake for 90 minutes or until the batter has set and a skewer inserted into the center of the loaf comes out clean.

Cool 15 minutes on a wire rack. Then turn the breads out of the pans to finish cooling.



Pumpkins and gourds go vertical in the eye-catching collections on display at Carmel Valley's Earthbound Farm.

Quail Lodge Resort and Golf Club offers discount getaway deals

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Great Pumpkin Festival arrives Saturday at Scheid Vineyards

PUMPKIN GROWERS of all ages are invited to participate in the Great Pumpkin Contest, part of this weekend's festival celebrating the autumnal orange squash at Scheid Vineyards.

Festival hours are 11 a.m. to 4 p.m.

Bernardus Lodge provides setting for Taste of Carmel

THE CARMEL Business Association brings its 13th annual Taste of Carmel to the sunny environs of Bernardus Lodge at 2 p.m. Sunday, Oct. 21. The lodge will host the best of the best of Carmel's restaurants as well as wines from local vintners.

A Kentucky Derby theme of "Win, Place, Show... Off to the Races" will be featured this year. A prize awaits the man or woman who sports the most creative, show-stopping hat.

Maker's Mark Bourbon will provide mint juleps to all and merchants and members of the Carmel Business Association have donated many live and silent auction items. These include a gala four-night, five-day trip to Louisville, Ky., with special VIP invites to a Derby party.

Tickets are \$75 per person. For more information, all th CBA Taste Information Hotline at 645-4717.

Saturday and Sunday, Oct. 20-21 at the vineyards, located just off Highway 101 at 1972 Hobson Ave. in Greenfield.

Hay rides, scarecrow workshop

Seasonal food, award-winning wines and a multitude of activities will be featured at the Scheid Vineyards Great Pumpkin Festival. Family-oriented activities will take place all weekend, including scarecrow making, pumpkin decorating and a pumpkin patch. Hay rides through the vineyards will be offered on Saturday.

As part of the festive weekend, pumpkin growers are invited to join in the Great Pumpkin Contest on Saturday, Oct. 20. The entrant with the biggest pumpkin will walk away with a first place prize of \$300. Monetary awards will also be given for the most original pumpkin and the pumpkin with the most character. Entrants should bring their pumpkins to the tasting room by 11 a.m. Judging will begin at 2 p.m.

Scheid Vineyards is a leading independent producer of premium wine grapes and operates approximately 6,000 acres of vineyards, primarily in Monterey County. The company sells most of its grape production under long-term contracts to wineries producing premium table wines. It also produces approximately 5,000 cases of ultra premium wine under its own labels.

For further information about this weekend's Great Pumpkin Festival, contact Scheid Vineyards at 386-0316 or (888) 4SVIWIINE.

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of Monterey
County at this
world-class wine
extravaganza!

31st ANNUAL
THE Great Wine Escape WEEKEND
MONTEREY COUNTY • SALINAS VALLEY • CARMEL VALLEY

November 8, 9, 10, 11, 2001

Experience the World Class Wines of Monterey County

- The Monterey Wine Auction & Gala Monterey Bay Aquarium
- Winemaker Dinners
- Wine Symposium Moderator-Narsai David (Lunch at Spanish Bay, Pebble Beach)
- Monterey Open Houses & Bus Tours
- 2001 Monterey County Row
- 2001 Wine Competition
- Great Wine Escape Finale

For Brochure and Reservations
www.montereywines.org
831-375-9400

Price: Monterey Museum \$75 Great Wine Escape \$100 1-800-223-1234 (reserve by 10/15/01)

Scheid Vineyards

GREAT PUMPKIN FESTIVAL

October 20 & 21

11 am to 4 pm

GREAT PUMPKIN CONTEST - OCT. 20

- Judging begins at 2:00 PM (bring pumpkin to tasting room by 11am)
- 1st Prize \$300 to grower of the largest pumpkin
- Prizes also given for character & originality

Come enjoy seasonal food and the award-winning wines of Scheid Vineyards.

Activities include:

- Scarecrow making
- Pumpkin decorating
- Hay Rides through the vineyards
- Pumpkin Patch

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or (831) 386-0316



Great Wine Escape Weekend set for Nov. 8 - 11

Fifth MoCo Vintners & Growers Association extravaganza looms large

By MARGOT PETIT NICHOLS

THE GREAT Wine Escape Weekend — one of the most comprehensive wine experiences offered to wine aficionados — will encompass four days in November and offer a surprising number of events to the general public.

Produced by the Monterey County Vintners & Growers

Association, the fifth annual "Escape Weekend" will commence Thursday, Nov. 8 with an evening jazz concert and continue into Friday, Nov. 9 with a golf tournament and a wine auction and gala.

Saturday, Nov. 10, winery open houses with self-guided tours will be available, as well as winery bus tours, a tasting at the Hyatt Regency Monterey, and 19 individual winemaker dinners.

On the final day of the "Escape," Sunday, Nov. 11, a wine symposium will be held at the Inn at Spanish Bay with Monterey County winemakers evaluating California Chardonnays, moderated by Narsai David.

Following the symposium, a grand finale in the Spanish Bay ballroom will feature barrel samples, new releases and reserved wines from more than 30 Monterey County wineries paired with delicacies from fine local restaurants.

For a full-color brochure listing events, times, locations and fees, contact the Monterey County Vintners & Growers Association at P.O. Box 1793, Monterey, CA 93942; call 375-9400; or go on-line at www.montereywines.org.

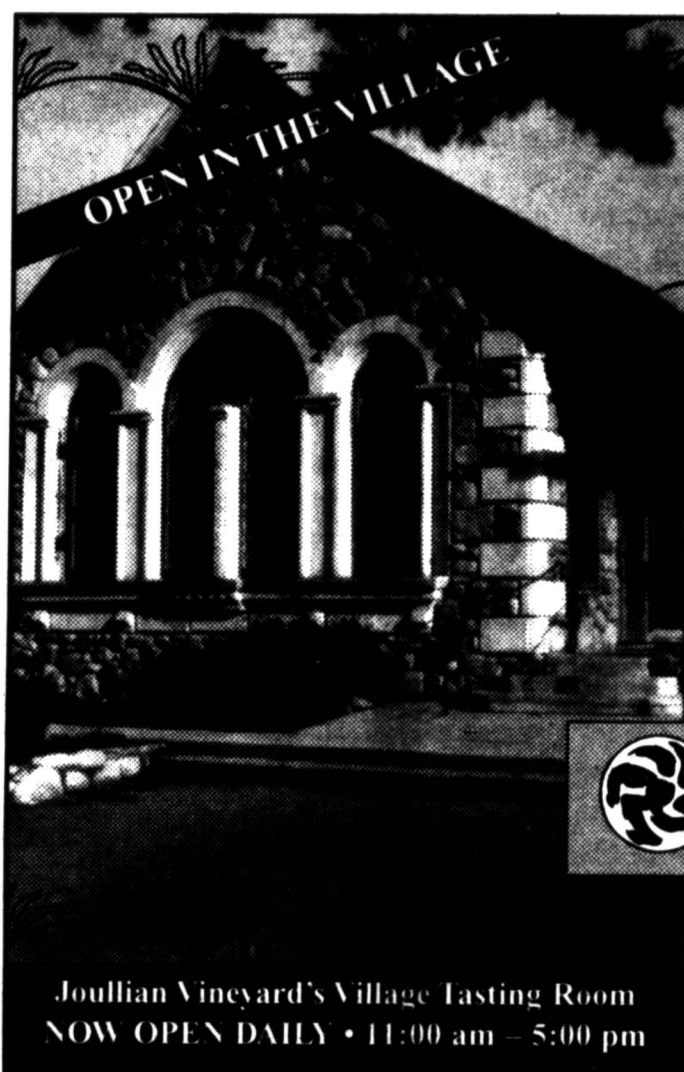


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JOULLIAN
CARMEL VALLEY

Visit Joullyan's New
Village Tasting Room
in the "Joseph DeMaria" building
of classical stone design.

Joullyan specializes in estate-produced
Sauvignon Blanc, Cabernet Sauvignon,
Carmel Valley's only Zinfandel
and Monterey Chardonnay.



DIRECTIONS FROM HWY 1:
East on Carmel Valley Road, past Laureles Grade,
to Village Drive in the Village (right turn).
1/2 block to tasting room (left side).

Joullyan Vineyard's Village Tasting Room
NOW OPEN DAILY • 11:00 am - 5:00 pm

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(831) 659-8100 • Toll Free (877) 659-2800

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FOOD, WINE & ART

November 2-4, 2001



sponsors

Coast Weekly
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Carmel Valley Chamber of Commerce

Opening Gala Reception
and Dinner at Bernardus Lodge
Strolling Entertainment
Wine Tasting
Village Store and Business
Sidewalk Sale
Carmel Valley Artisan Festival
Winery and Restaurant Pairing
Chocolate Extravaganza
Painted Legs and Feet:
Furniture and Folk
Art Exhibit and Sale
Sister City Suze-la-Rousse,
France, Mayoral Visit and Key
Exchange Ceremony
Live Concert, award-winning
Guitarist Alex de Grassi
Carmel Valley Business
of the Year Award

www.carmelvalleychamber.com

For advance ticket sales please call 659-4000

'LISA'S LOCALLY BAGGED WILD BOAR CHILI' WINS AGAIN

By MARGOT PETIT
NICHOLS

LOS LAURELES
Lodge's Chef Lisa
Magadini has done it again
— for the second consecutive
year: She was declared
winner of the coveted
"People's Choice" category
at the Carmel Valley
Chamber of Commerce's
eighth annual "Great Balls
of Fire" chili cook-off.

"Lisa's Locally Bagged
Wild Boar Green Tomato
and Pasilla Pepper Chili"
won the day, with
Bernardus Lodge Chef Tim
Wood's "Wicket's Wicked
Chili" coming in second.
Chef Steven Bracisco took
third place for Will's Fargo
Restaurant with "Will's
Irish Chili."

In the "professional category," Bernardus Lodge
took first place, Los
Laureles Restaurant came
in second and Jon Kasky of
Oak Deli took third place
for his "Zinful Chili."

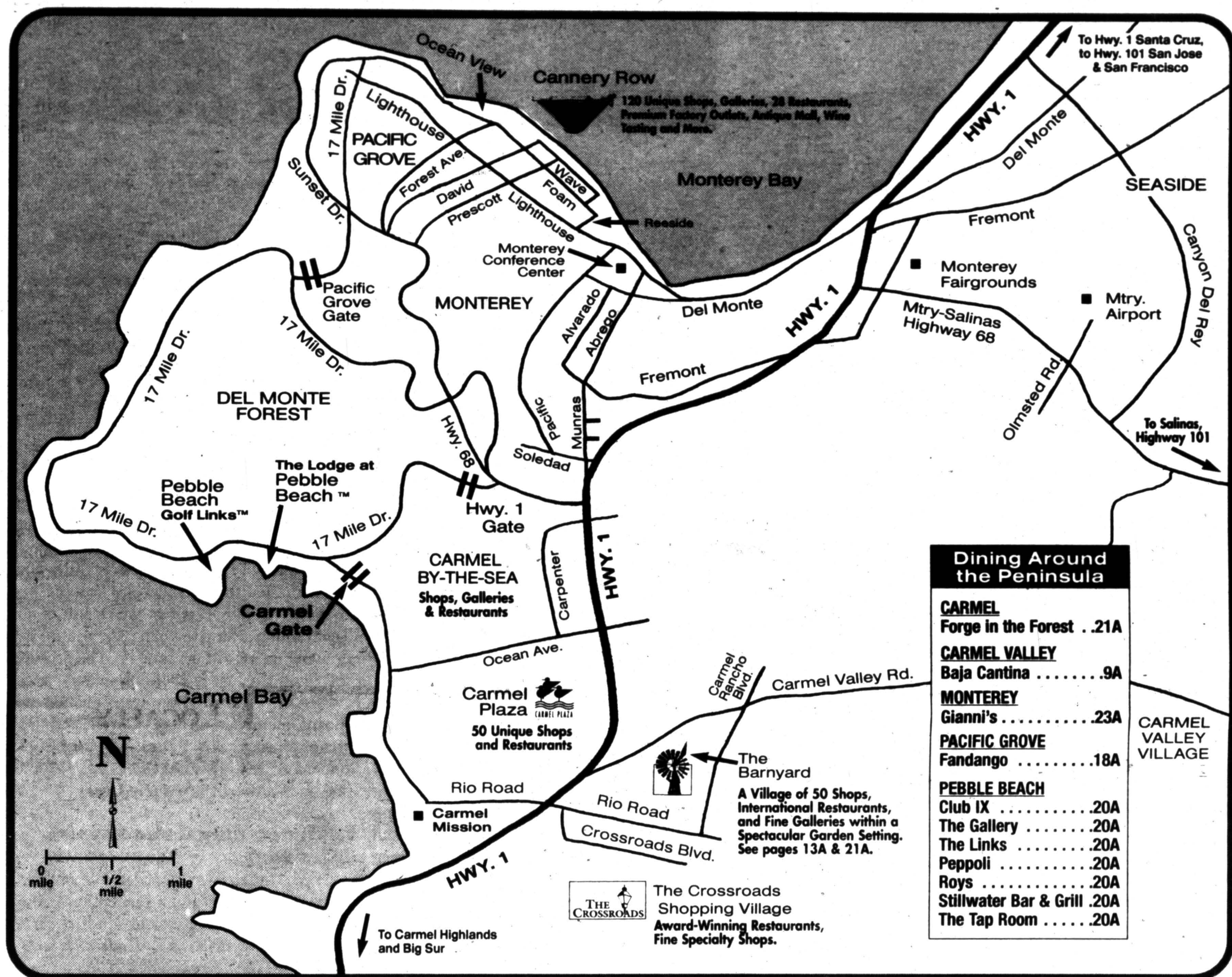
The amateur category
found the Valley Volunteers
of the C.V. Fire Dept. winners
with their "Whistle
Blowing Chili," and the
C.V. Park District and Chef
Dave Lyon taking second
place with "Wild West
Chili." Mike Milligan,
Carol and Owen Rabourn
came in third with their
"Corvette Chili."

The Carmel
Pine Cone

This Week

Arts & Entertainment • October 19 - 25, 2001

Carmel • Pebble Beach • Carmel Valley & The Monterey Peninsula



Dining Around the Peninsula

CARMEL	
Forge in the Forest . . .	.21A
CARMEL VALLEY	
Baja Cantina . . . . .	.9A
MONTEREY	
Gianni's . . . . .	.23A
PACIFIC GROVE	
Fandango . . . . .	.18A
PEBBLE BEACH	
Club IX . . . . .	.20A
The Gallery . . . . .	.20A
The Links . . . . .	.20A
Peppoli . . . . .	.20A
Roy's . . . . .	.20A
Stillwater Bar & Grill .	.20A
The Tap Room . . . . .	.20A

CARMEL VALLEY
MONTEREY PENINSULA REGIONAL
PARK DISTRICT
Living History Day
October 20
See page 18A

MONTEREY
YORK SCHOOL
Fall Fair
9501 York Road
October 20
372-7338

GREENFIELD
SCHED VINEYARDS
Great Pumpkin Fest
October 20 & 21
See page 15A

CARMEL VALLEY
C.V. CHAMBER OF COMMERCE
Harvest Celebration
November 2-4
See page 16A

CARMEL
The 5th Annual CARMEL PERFORMING ARTS FESTIVAL
October 11-27
See page 19A



CARMEL VALLEY
Stu Heydon & the
CV Kiwanis present
**CV Soul, Blues
& Jazz Review**
October 20
See page 19A

CARMEL-BY-THE-SEA
RICHARD MACDONALD FINE ART
One Man Show
October 27
See page 27A

PEBBLE BEACH
Holiday Gala
A Benefit for
the Boy Scouts
November 17
See page 27A

CARMEL-BY-THE-SEA
Opera Institute of California
presents
CARMEN
October 26 & 27
See page 19A

CAPITOLA
BAY SHORE LYRIC OPERA CO.
presents
La Cenerentola
(Cinderella)
Oct. 6 - Nov. 4
See page 18A

CARMEL VALLEY
THE ANNUAL CARMEL VALLEY
Taste of Carmel
October 21
See page 21A

Jazz legend Buddy DeFranco slates Carmel performance stop

THE JAZZ & Blues Company in conjunction with the Carmel Performing Arts Festival presents a special performance featuring **Buddy DeFranco and Swing Fever** at 7:30 p.m. Saturday, Oct. 20. A legendary player in the world of swing, DeFranco was the first jazz clarinetist to play in the modern idiom of Charlie Parker and Dizzy Gillespie.

The winner of more than 20 Downbeat Magazine Awards, DeFranco at age 14 won a Tommy Dorsey Swing contest and went on to perform with Dorsey, Gene Krupa, and the famous Count Basie Septet. He served as leader of the Glenn Miller Orchestra from 1966-1974. Playing for more than six decades, DeFranco's career serves as a bridge between the eras of swing and bebop.

The **Swing Fever Band** is comprised of **Jim Rothermel** on saxophone, **Ray Loeckle** on tenor saxophone, **Steve Campos** on trumpet, **Bryan Gould** on trom-

See **PLUGGED IN** page 22A



Staff Players stage 'Harvey'

WHAT: Fred Nielsen is a looming hospital attendant and Jody Gilmore plays tug-of-war with Neva Hahns as Veia, sister of Elwood P. Dowd, in the Staff Players Repertory Co. production of "Harvey"
WHEN: 8 p.m. Thursdays through Saturdays and 2:30 p.m. Sundays until Nov. 18.
WHERE: In-Joar Forest Theater, Mountain View and Saint Rita, Carmel
COST: \$15 general; \$12 students/seniors; \$5 for children 12 and under
INFO/RESERVATIONS: 624-1531

CARMEL PERFORMING ARTS FESTIVAL IN FULL SWING



WHAT: Carmel Performing Arts Festival presents Flying Foot Forum, a tap repertory company, and dozens of other happenings in the coming days
WHEN: Flying Foot Forum appears at 8 p.m. Friday, Oct. 19
WHERE: Steinbeck Forum, Monterey Conference Center
COST: \$20 general; \$18 seniors, students and military; \$10 for children under 12
INFO/RESERVATIONS: 624-1692

Carmel police and fire help World Trade victims

CARMEL FIRE and **Police Department** members gathered at the Forest Theater for a fundraising screening of "Yankee Doodle Dandy" to benefit their compatriots lost on Sept. 11 . . . The trio who usually organize free film screenings on the beach and at Devendorf Park — Friar Tuck's **Greg Cellitti**, Police Corporal **Steve Rana** and land surveyor **Frank Lucido, Jr.** — pulled this one together, too . . . **Mary Rana** hung out with friends **Jason & Marijean Johnson**, who have Le Bijou boutique in town . . . Detective Sgt. **Terry Chandler** &

wife **Alice** had brought daughter **Tara** with her boyfriend, **Beny Cardenas** . . . **Lisa Panetta** and **Cindi Mitchell** looked quite gentle without their intimidating parking enforcement cart . . . They laughed up quite a storm with **Bernard Martino** from Public Works and dispatcher **Esther Partido** and daughter **Carole**, 10 . . . Most moving was **Missy Jenkins** playing "Amazing Grace" on bagpipes . . . Benefit raised some \$3,150.

■ **Opening gala a glittery affair**
The Friends of the Monterey



PHOTOS/ISSI MALEKI

Leighann Nunes, Kristy Boothroyd, Margo Nunes, Ann Kaye, and Mendy Amaral were reasons enough for mother, mother-in-law, and grandmother, Alyce Nunes, to look proud at the Friends of Monterey Symphony's opening night gala.

Symphony held their popular and glamorous annual gala event this year to coincide with the opening of the symphony season . . . Held at Spanish Bay, all eyes were on Music Director **Kate Tamarkin**, looking stunning in a St. John outfit given to her by Saks. . . **Connie Smith**, with hubby **Don McBride**, received kudos for the great work she and **Pam McGowin** did on designing the unique invitations . . . New board member **Anne Fitzpatrick** was corralled for the job by longtime supporter **John Stewart** . . . Board president **Alyce Nunes** was surrounded by her gorgeous family including girls **Leighann Nunes**, **Kristy Boothroyd**, **Margo Nunes**, **Ann Kaye** and **Mendy Amaral** . . . **Mandy Mortimer** came from Denver on orders of parents and symphony lovers **Bob & Charlotte Evans**. The Evans also had Quail Meadows neighbors such as **Pat Jones** and **Jim Koford** . . . Many praised **Sherry McCullough's** generosity with her KBOQ's consistent support . . . **Joyce Dodd-McDonald & Diane Mall** argued over the credit for designing gorgeous table centerpieces; Diane insisted it was Joyce who, by the way, is into welding as a hobby . . . Others there were original Friends co-founder **Nadine Cox**, **Sonia Lessard**, **Nancy & Bill Doolittle**, **Sheree Hardrath**, **Georgia Nevarez**, **Nancy Kessler**, **Chuck Schwan** & wife **Madelyn** who loves the symphony when she's not con-

ducting tours at Point Sur Lighthouse . . .

■ Vroom-vroom — here comes La Gala Seca!

The Soroptimists of Carmel Bay pulled off a great party, as usual, with their annual **La Gala Seca**, featuring drivers from the weekend's Grand Prix . . . Held at Embassy Suites, the event featured **Judy Lofink** welcoming guests while keeping things under control. "I won't do this again — 'til they ask me again!" she confessed . . . Other Soroptimists running around were **Bernie O'Keefe**, **Judy Brooke-Green**, **Demi Briscoe**, **Sidney Slade**, **Jan Mumford**, **Jill McAlpine** . . . Ex-Sorop **Chris Sidner** had been drafted to work, despite keeping busy with her Goldie, Boomer, who's still in doggie training after five years. She tries to earn a living the rest of the time . . . The president of Laguna Seca's fundraising entity, **SCRAMP**, **Kathy Hayworth**, chatted with board members **George Covell** and **Dave Kuhlmann** & wife **Laura** . . . Others there included **Jean Mahoney**, **Linda Myrick**, **Penny Caldwell** and **Marie Leary**

■ United Way welcomes new president

The United Way honored its new president, **Mary Adams** with a reception at **Ed & Nancy Carney's** spectacular home off the Highway 68 corridor . . . Fantastic views of

... AND, BY THE WAY ...

MY INTENTIONS were honorable. I wanted to appreciate what really counted in life.



Pine Needles
By Sissi Maleki

But I knew the first step, however painful, had to be the paring down of clutter in my home.

So, armed with an empty shopping bag, I stood in the middle of the room, hoping against hope my clutter would immedi-

ately surrender, identify itself, and hop into my bag all on its own.

No such luck.

My home office required a major offensive, using ruthless laser-guided eyesight.

OK — into the bag went a Y2K Christmas ornament . . .

Into the bag, a glittery name tag . . .

Wait! No! Pull it out! I need it to have happy dreams!

OK, next. Into the bag, a religious icon, one of many inherited from Mom. Into the bag? Geez, isn't there a religious rule about stuff like that? Quick! Get it out of the bag!

Some live beyond their means. I live beyond my space.

MONTEREY PENINSULA REGIONAL PARK DISTRICT

Presents

LIVING HISTORY DAY

AT **Garland Ranch Regional Park**

Located 8.6 miles east of Hwy 1 on 700 W. Carmel Valley Rd.

Saturday, October 20, 2001

11:00 a.m. 3:00 p.m.

(No Admission Fee)

For more information call the District Naturalist, 372-3196 ext. 3



This event is organized and conducted in cooperation with California State Parks, Monterey County Parks and the Carmel Valley Historical Society



CUISINES OF THE SUN
Pastas, Paella, Couscous

MESQUITE GRILLED
Rack of Lamb, Fresh Seafood

HOUSE PREPARED
Pastries, Cakes, Souffles & Creams

Banquet rooms available seating 10-50 guests.

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Bay Shore Lyric Opera Company Presents

La Cenerentola 'Cinderella'

The Immortal Fairytale

Fully Staged with a

28 piece Orchestra

Sung in Italian

with English

Supertitles



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THE CAPITOLA THEATER FOR THE PERFORMING ARTS
120 MONTEREY AVENUE IN CAPITOLA • 831.462.3131
BOX OFFICE OPEN MON-FRI 9 AM TO 5 PM



Friends of Monterey Symphony board member Sonia Lessard, and Bill and Nancy Doolittle were some of the glamorous guests who attended the group's opening gala.

Monterey, Carmel Hill and Monterey Bay framed an unbelievable sunset enjoyed by guests and board members such as philanthropists **Morley Brown**, **Basil Mills** and **Chris Ensign**, KSBW's **Joe Heston**, and **Doug Lee** with his son **Matthew** . . . Also noteworthy was the garden, magnificently landscaped — all Ed's work.

■ For he's a jolly good fellow!

A reception for **Tor House Foundation** board members and supporters at **Jim & Belinda Holliday's** home was a great occasion to applaud years of commitment from the much beloved **John Hicks** . . . Fans of his can be found coast to coast, but locals on this day included councilwoman **Barbara Livingston**, board president **Alex Vardamis** & wife **Fran**, Planning Commissioner **Frank Wasko** & wife **Judith**, **Hugo & Karen Ferlito**, **Ripple & Vince Huth** and **John & Carole Courtney**.



The very elegant Marie Leary sparked at the Soroptimists' La Gala Seca.



STU heydon & THE CV KIWANIS PRESENT

THE 5TH ANNUAL CARMEL VALLEY SOUL, BLUES, & JAZZ REVIEW

mc Ramma P Jamma

October 20, 2001

12-3 Workshops

3-10 The Show

Barbecue
Food
& Bar

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BRUCE FOREMAN
& JAZZ MASTERS
STAFF ON BOARD



Instruction
based upon the
Just enough
Learning
System

The
BLUE TONES



Tickets:

Contact Barb at
(831) 624-2467

Or (831) 277-5223

Tickets available at the door

20 and under \$10

21 and over \$20

Children under 5 are free

Located at the Hidden Valley Music Seminars
Carmel Valley Road & Ford Road

All proceeds go to local children's music programs. This is a non-profit event.

Opera Institute of California
presents

CARMEN
Opéra Comique en quatre actes
MUSIQUE DE GEORGES BIZET

Come hear the OIC's talented singers from New York & California!

Rose Senerchia-Kingsley - Artistic Director

Charles Riecker - Co-Artistic/Director formerly of the Metropolitan Opera, New York City

No need for flashlights and librettos as the story of each scene will be described in English and then performed in the original French.

A truly unique opera experience!

Accompanied by pianist **Bruce Olstad**

Friday, Oct. 26 - & Saturday, Oct. 27 - 7:30 pm

Golden Bough Theater, Carmel • Monte Verde btwn. 8th & 9th

Admission: \$27/person

Purchase Tickets: Golden Bough Box Office (831) 622-0100

All proceeds from these performances will be donated to help the families of the victims of the WTC tragedy.

For more info contact OIC at (408) 269-2548 or www.operaca.com

5th Annual
Carmel Performing Arts Festival
October 11-27, 2001

TICKET BOX OFFICE: (831) 624-1692

California's Largest, Most Varied,
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HIGHLIGHT EVENTS

FRIDAY, OCT. 19

DANCE



**Flying
Foot Forum**

This astounding percussive dance troupe brings their "Big City" performance to Monterey's Steinbeck Forum, 8pm-10pm

SATURDAY, OCT. 20

THEATRE

**"Holy Dirt" with
Marcos Martinez**

A Chicano's comic journey through life, Cherry Hall, Carmel, 7:30-9pm

SUNDAY, OCT. 21

THEATRE

**Literary Brunch-Henry
Miller Poetry**

Jack London's Tap Room, Carmel
10:30am

MONDAY, OCT. 22

MUSIC

**Cocktail Cabaret at
Bernardus Lodge with
Viviana Guzman**

Sample world music with classical influences. Delicious hors d'oeuvres served 5:30-7:30pm

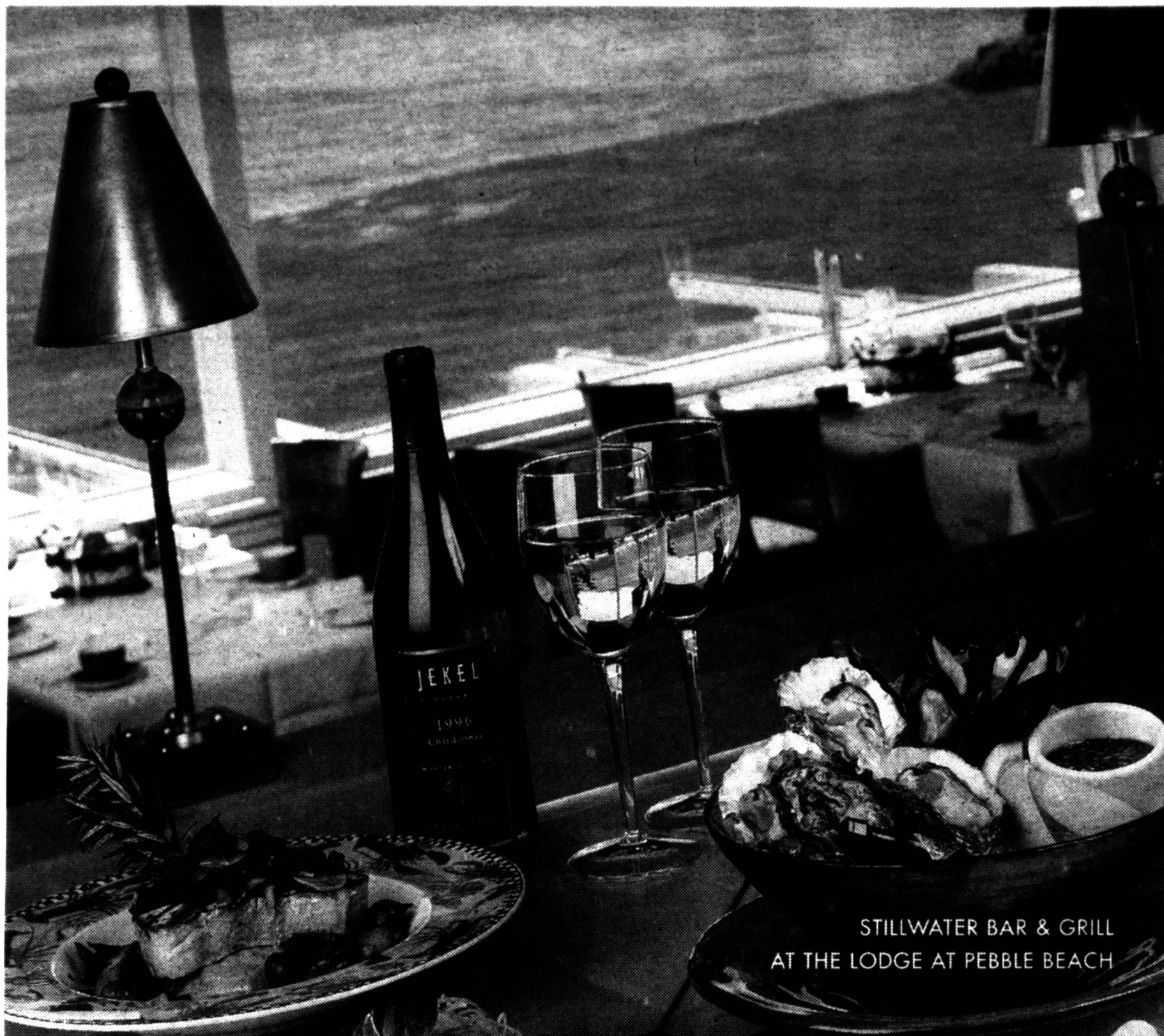


WEDNESDAY, OCT. 24

MUSIC—Watsonville Taiko

Ancient drumming with modern aesthetics-Pacific Grove Middle School Auditorium, 8-9:30pm

THEATRE • DANCE • MUSIC • POETRY • LECTURES • WORKSHOPS • PERFORMING ARTS • THEATRE



STILLWATER BAR & GRILL
AT THE LODGE AT PEBBLE BEACH

ON THE MENU AT PEBBLE BEACH RESORTS

SEVEN APPETIZING REASONS TO DINE OUT

[GATE FEE WAIVED FOR RESTAURANT GUESTS]

FOR RESTAURANTS AT THE LODGE AT PEBBLE BEACH CALL 624-3811



Overlooking Stillwater Cove and the 18th green of Pebble Beach Golf Links, enjoy a lively, comfortable setting with fresh, innovative seafood that emphasizes the bright, bold flavors of local ingredients. **Open for breakfast, lunch and dinner seven days a week and Sunday Brunch.**



California cuisine with a classic French flair served in a romantic dining room or outside on the cozy, fireside patio with stunning views of Carmel Bay and the 18th green of Pebble Beach Golf Links. **Open for dinner seven days a week.**



Famous for their burgers, grilled steaks and chops, and extensive selection of hand-crafted beers. **Open for lunch and dinner seven days a week.**



Receive a FREE non-alcoholic fountain beverage with every entrée just by mentioning this ad now through December 30, 2001. Great Rotisserie chicken, home-style breakfasts, salads, and hearty sandwiches. **Open for breakfast and lunch seven days a week.**

FOR RESTAURANTS AT THE INN AT SPANISH BAY CALL 647-7500



Roy's is famous for its Hawaiian Fusion cuisine served in a casual, lively setting with views of Spanish Bay Golf Links and Spanish Bay. **Open for breakfast, lunch and dinner seven days a week.**



Authentic Tuscan cuisine paired with award-winning Antinori and Peppoli wines recognized by Wine Spectator magazine. Enjoy a complimentary antipasto with every meal. **Open for dinner seven days a week.**



Receive a FREE non-alcoholic fountain beverage with every entrée just by mentioning this ad now through November 30, 2001. Enjoy spectacular ocean views and a relaxed, casual atmosphere. **Open for breakfast and lunch seven days a week.**

PLEASE CALL FOR HOURS OF OPERATION & RESERVATIONS



PEBBLE BEACH
RESORTS

www.pebblebeach.com

Don Hanson named executive director of Library Foundation

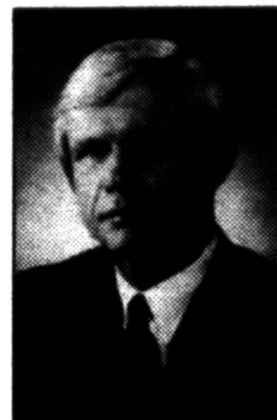
By MARGOT PETIT NICHOLS

THE CARMEL Public Library Foundation, with a current fund raising goal of \$105,000, now has as its executive director Don Hanson, a former board member of many foundations, including United Way of Monterey, United Way of Salinas Valley, Monterey Country AIDS Project and Hartnell College.

Hanson is a graduate of Indiana University of Pennsylvania, with a degree in mathematics, and has completed postgraduate courses at the University of Pittsburgh, University of the Pacific, Golden Gate University and Stanford University.

For 14 years Hanson was president and CEO of the Steinbeck Federal Credit Union in Salinas, and prior to that was vice president of Monterey Credit Union.

The Carmel Public Library Foundation is the fund raising organization of Carmel's free public library with contributions from the public the only source of funds for books, equipment and programs. The foundation is now engaged in its annual fundraising campaign.



Don Hanson



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AM 1240 KNRY

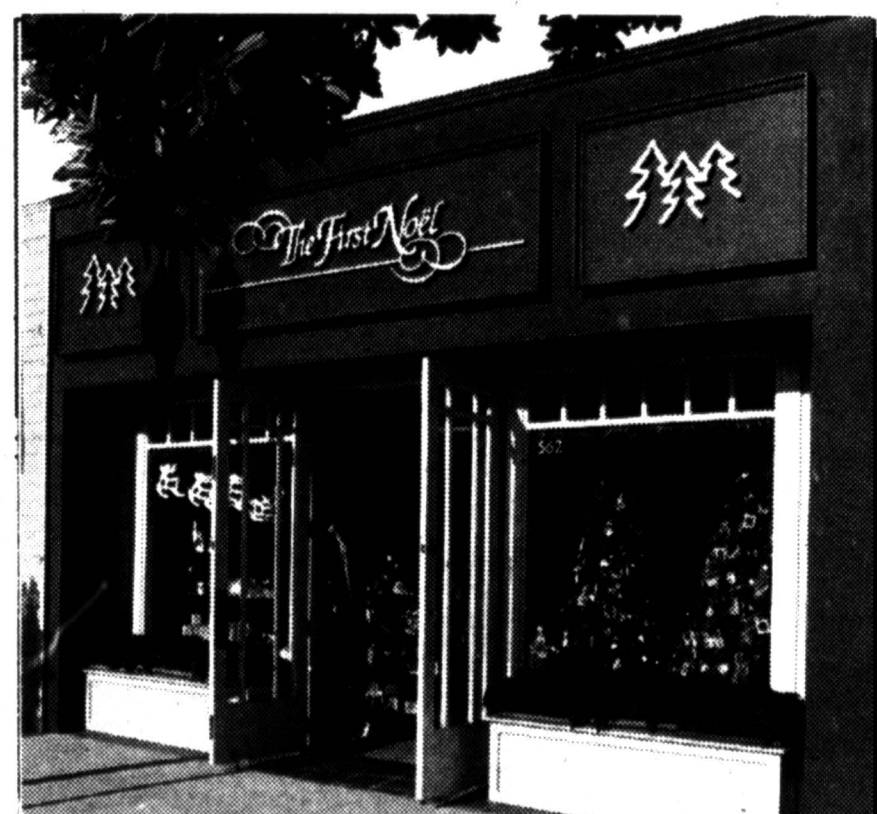
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MONDAYS & THURSDAYS

4:00 PM

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"Bringing you the magic of the holidays"



November 1
6pm to 9pm

Benefit Drawing -
benefits United Way's September 11 Fund
\$1 per ticket or 6 for \$5

November 2
open @ 7:30am for Department 56
village retirement announcements

GOLD KEY
DEALER

562 Lighthouse Ave, Pacific Grove (831) 643-1250 www.firstnoel.com

CITY OF CARMEL-BY-SEA ORDINANCE NO. 2001-09

AN ORDINANCE AMENDING THE CITY'S DESIGN STANDARDS AND REVIEW PROCESSES FOR PROPERTIES IN ALL COMMERCIAL AND R-4 DISTRICTS

WHEREAS, the City of Carmel-by-the-Sea is recognized as having a Commercial District of exemplary design; and

WHEREAS, the design character of the Commercial District is a community asset that enhances the quality of life of its residents, strengthens its economic base and brings delight to countless visitors; and

WHEREAS, conserving this design character while allowing appropriate change is best achieved by adopting a combination of design regulations, design guidelines and design review processes that guide the design of new buildings and remodels toward established patterns of village character; and

WHEREAS, the City's adopted General Plan directs that the scale and character of the community be preserved through the administration of land use and design standards; and

WHEREAS, the Planning Commission has studied commercial design over the past two years and received advice from a variety of committee, task forces and other sources; and

WHEREAS, through the work of the Planning Commission an illustrated set of design guidelines has been produced along with revised dimensional and regulatory standards; and

WHEREAS, the proposed design guidelines, regulations and design review process will aid in preserving community character, improve communication with applicants about desired outcomes, streamline the review process, foster a pedestrian-oriented retail core, preserve open space and a visual transition within the periphery of the business district and promote the public health, safety and welfare of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-SEA DOES ORDAIN AS FOLLOWS:

SECTION ONE. Commercial Design Regulations. Chapter 17.12 shall be replaced in its entirety with the following provisions:

17.12.010 Findings -- Applicability of Provisions

The City affirms its 1929 statement that it is essentially and predominantly a residential city with a unique commercial and multifamily residential area noted for its village character. This character arises from the variety in building designs and their modest scale, from the prevalence of contiguous street facades punctuated by frequent courtyards, and from the employment of open space and landscaping as a setting for the mix of apartments and shops within the commercial district.

Most structures built prior to 1940 consist of two story reinforced concrete or wood frame buildings in a variety of architectural styles. The oldest buildings in the district, although remodeled, retain features associated with the Italianate and other commercial styles typical of the late nineteenth and early twentieth century American "Main Street" vernacular. These include second story bay windows, double-hung sash windows, remnants of board and batten and tongue and groove siding, quoins, and paneled and glazed doors. However, it was the construction that took place under the influence of the Spanish Colonial and Tudor architectural revivals of the 1920's that left the most lasting imprint on the character of the business district. Tudor motifs of half-timbering, grouped rectangular windows, ornate brick work, oriel and bay windows, and complex roofs with multiple gables are interspersed among the Spanish stylistic trademarks of plaster exteriors and tiled roofs, of arcades, of ornate wrought iron and carved wood detailing, of colorful glazed tile for staircase risers, for dados, fountains, planters, and backslashes, and for patios and courtyards.

This tradition of architectural diversity enhances the character of the commercial district and adds a lively sense of history to village ambiance. Designs for new buildings and modifications to existing buildings should respect this tradition and this historicity and avoid out-of-scale or bizarre building forms or incompatible design. The City has consciously chosen architectural eclecticism and encourages originality and invention so long as the results encompass the unifying values of human scale and the use of natural materials and their role in preserving village character.

17.12.020 Design Review

In order to protect the unique qualities and characteristics of the Central Commercial (CC), Service Commercial (SC), Residential and Limited Commercial (RC) and R-4 districts all exterior design changes are subject to site plan and architectural approval as described in Chapter 17.40 of this Title.

When a proposed project involves construction of a new building or the replacement, significant enlargement, or modification of an existing building, applicants are encouraged, first, to consult the Design Guidelines and then to prepare and submit conceptual or preliminary drawings for review by the Design Review Board or Planning Commission. This preliminary review can promote communication between project applicants, the City's staff and decision-makers, facilitating an understanding of applicable design regulations and avoiding unnecessary expenditures in detailed plans.

17.12.030 Standard of Review and Design Guidelines

The basic standard of review in all commercial districts is whether the proposed project constitutes an improvement over existing conditions - not whether the project just meets minimum standards. To assist in the design and review process, the City Council has adopted Commercial Design Guidelines. Proposed projects need not strictly comply with every Guideline to be approved but deviations should be minor and reasonably related to good design principles and site conditions.

17.12.040 Maximum Building Site Area

The maximum land area that may be developed as a single building site in the CC District is 8,000 square feet, in the SC District is 12,000 square feet and in the RC District is 32,000 square feet. Development of a parcel larger than these limits requires that the land area be broken up into two or more distinctly different developments to avoid the appearance of a single large project and to maintain the small scale and village character of the City.

17.12.050 Building Coverage

Building coverage is defined as the total ground area of a site occupied by any building or structure as measured from the outside of its surrounding external walls or supporting members. Building coverage includes exterior structures such as stairs, arcades, bridges, permanent structural elements protruding from buildings such as overhanging balconies, oriel windows, stories which overhang a ground level story, and covered carports.

Excluded from building coverage are roof eaves extending less than 30 inches from the face of the building, awnings or covered entryways and masonry walls not greater than 6 feet in height such as wing-walls, planter walls or grade-separation retaining walls. All site area not counted as building coverage shall be considered open space.

A. The maximum allowable building coverage in the CC and SC Districts may be 98% of the total site area only if Commercial Guidelines III A. are followed. No existing courtyard or intra-block walkway shall be removed. This prohibition will reduce the amount of allowable building coverage on some sites.

B. The maximum allowable building coverage in the RC District shall not exceed 70% of the total site area if the land area is 4,000 square feet or less. If the land area is more than 4,000 square feet, the allowable building coverage shall be reduced by one percent (1%) for each additional 2,000 square feet of site area. (For example, the allowable building coverage on a 6,000 square foot site equals 69% of the total site area.)

17.12.060 Floor Area Ratio

Floor area ratio is defined as the total combined area included within the surrounding exterior walls of all floor levels. Floor area includes all floor spaces used for commercial, manufacturing, residential and miscellaneous land uses including space occupied by mezzanine floors, interior walkways, storage areas above ground, hallways, restrooms, and both interior and exterior wall thicknesses.

Floor area excludes the following: underground floor space within a basement, cellar or underground garage when not used for commercial purposes. Also excluded are: underground areas for non-commercial storage or parking and mechanical spaces within a building limited to vent, duct and piping shafts, and mechanical equipment rooms of the minimum size required by the Building Code.

A. Central Commercial and Service Commercial District Provisions: The basic floor area ratio allowed for one story buildings in the CC and SC Districts shall be 95% of the site area and for two story buildings shall be 135% of the site area. In addition to the basic floor area ratio, two story buildings may qualify for a maximum 15% bonus which allows a floor area ratio up to 150% of the site area.

1. Housing bonuses - A floor area bonus of up to 5% may be granted for projects that include permanent apartments reserved for senior citizens. A floor area bonus of up to 10% may be granted for projects that include at least one housing unit permanently reserved for persons of low or very low income as defined by AMBAG. Approval of such projects are subject to findings 17.18.150.B. and C.

2. Courtyards and intra-block walkway bonuses - A floor area bonus of up to 10% may be granted for projects that include a courtyard and/or intra-block walkway.

B. Residential and Limited Commercial District and R-4 District Provisions: The basic floor area ratio allowed for one story buildings in the RC and R-4 Districts shall be 70% of the site area and for two story buildings shall be 80%. In addition to the basic floor area ratio two story buildings may qualify for a bonus of up to 15% which allows a floor area ratio of up to 95% of the site area.

1. Senior Housing bonuses - A floor area bonus of up to 5% may be granted for projects that include permanent apartments reserved for senior citizens.

2. Affordable Housing bonuses - A floor area bonus of up to 10% may be granted for projects that include at least one housing unit permanently reserved for persons of moderate income as defined by AMBAG. A floor area bonus of up to 15% may be granted for projects that include at least one housing unit permanently reserved for persons of low or very low income as defined by AMBAG. Approval of such projects are subject to findings 17.18.150.B. and C.

C. No single structure shall contain more than 10,000 square feet of floor area. Interaccessibility between adjacent structures on one or more building sites by any means that allows passage between structures without first exiting to an open space area shall not be allowed if the resulting floor area contained within the combined structures would exceed 10,000 square feet of area.

17.12.070 Building Height

Height shall be measured from the more restrictive of existing or finished grade. Height limits established in this Chapter shall be measured as the vertical distance between any point on the grade of a building site and the highest point of any structure directly above that point on grade.

A. The allowable maximum building height shall be determined primarily by the design context established by the prevailing heights of nearby structures facing the

same street or intersection and within the same pedestrian field of view (generally, within 100 feet to either side of or across the street from the proposed structure, or to the end of the block, whichever is greater). In the CC and SC Districts the main building and roof form of all structures shall be limited to a maximum of 30 feet. In the RC and R-4 Districts the main building and roof form of all structures shall be limited to a maximum of 26 feet. Small areas, not exceeding 15% of the building footprint and occupied by roof peaks or special design features such as towers, steeples and ornamentation may exceed this height if approved by the Planning Commission.

B. Building sites which face, abut or adjoin any property in the R-1 District shall be limited to a height of 24 feet.

C. Story: An enclosed space between the upper surface of any floor and the upper surface of the floor next above; except that the topmost story shall be the enclosed space between the upper surface of the topmost floor and the ceiling or roof above. In all commercial districts a basement, cellar or garage shall be considered a story if the finished floor level directly above such basement or cellar is more than five feet above the official sidewalk grade adjacent to the site.

D. No building shall have more than two stories above grade. Additional underground floors, not defined as a story, may be authorized by a use permit approved by the Planning Commission when the use of these floors is expressly limited to the parking of vehicles, non-commercial storage and mechanical equipment serving the building.

17.12.080 Setbacks in the RC and R-4 Districts

A. Sites abutting or across the street from an R-4 or RC District require a front setback of at least 5 feet. Sites abutting or across the street from an R-1 District require a front setback of at least 7 feet. Sites in other locations do not require a front setback.

B. Sites abutting an R-1 or R-4 District require a rear setback of 10 feet. Sites in other locations do not require a rear set back.

C. Setbacks required by this section shall be used primarily for landscaping.

17.12.090 Open Space Courtyards and Intra-block Walkways

A. Open space is an open area that is free of structures and is visually accessible from public ways or walkways.

B. A courtyard is an open space on private property that is linked to an adjoining sidewalk or walkway in such a manner as to encourage public access. It must be enclosed on at least two sides by buildings and must remain open to the sky. To qualify for floor area bonus provisions the minimum width of a courtyard shall be twenty (20) feet and the minimum area shall be four hundred (400) square feet.

C. An intra-block walkway is a publicly accessible ground level pedestrian path providing a connecting route between two or more different streets around a block. Such walkways are often coordinated with courtyards and may involve more than one property ownership to complete. To qualify for floor area bonus provisions the minimum width of an intra-block walkway shall be four (4) feet.

D. Existing courtyards and intra-block walkways are to be conserved as an essential element of the City's design character and shall not be removed. All proposals to alter the size, location or configuration of a courtyard or intra-block walkway require review by the Planning Commission. Generally, such changes shall be approved only if the Commission finds that the proposed change would be an improvement over existing conditions such as improving public access, allowing for creation of a new or better link with courtyards or walkways nearby or eliminating a safety hazard.

17.12.100 Landscaping

A. Improvements to property at or near the land surface which incorporates living plant material, attractively arranged and maintained, is desirable. At least 50% of the required open space on each site shall be landscaped. Landscaping may include permanent, nonliving materials such as garden benches, water features and patterned paving treatments as long as the combined total area of such alternatives to plant material is not used for more than 25% of the required landscaping on any site. All landscaping improvements shall include upper canopy trees on site and/or in the sidewalk in front of the property whenever possible. All approved landscaping shall be maintained by the property owner in a healthy and attractive manner.

B. Building sites contiguous to the R-1 District shall provide sufficient landscaping and trees to visually blend with open space and landscaping on adjacent sites.

C. Landscape plans are required in the submittal process for design review.

D. Landscaping Requirements for Gasoline Stations. Landscaping shall be provided and maintained in a healthy state to give an attractive appearance to the public street along 80% of the street frontage not occupied by driveways. Planting shall be of a type that will provide a minimum height of four (4) feet along no less than 60% of the required landscaped frontage.

E. Landscape Requirements for Surface Parking Designs. Building sites incorporating surface parking lots shall include at least 15% of the site area in landscaping. Landscaping shall be distributed along all street frontages and pedestrian walkways that are adjacent to parking areas to help screen parked automobiles from view. Plant species and/or planters should be designed to achieve a height of at least 5 feet above the surface of the parking lot except where this would conflict with safe visibility or good site design. Landscaping shall also be provided within the interior of surface lots to break up large expanses of paving. Parking lots with 4 or more vehicles shall provide interior landscaping of at least 10 square feet per vehicle.

17.12.110 Public Improvements

Development projects involving substantial new or replacement construction shall include improvements in the public right of way adjacent to the building site to coordinate the design of the development with the design of City streets, sidewalks, walkways and infrastructure improvements and to enhance the overall appearance of the community. (See Policy and Standards for Public Way Design).

17.12.120 Parking Requirements

Surface parking, parking structures and driveway design shall be consistent with the provisions of Chapter 17.34 of this Title. In order to preserve the village character and pedestrian orientation of the downtown core, on-site parking in the CC District shall be prohibited and no site alteration shall be allowed that includes additional driveways, surface parking spaces or underground spaces within this district. Parking requirements in the CC District shall be satisfied through the payment of fees in-lieu of on-site parking as established in Chapter 17.34.

17.12.130 Parking Design

The following standards shall apply to all surface and underground parking designs:

A. All surface and underground parking space minimum dimensions shall be 9 feet by 20 feet for standard spaces and 8 feet by 16 feet for compact spaces.

B. For all parking designs with parking spaces perpendicular to vehicle travel lanes, a minimum of 20 feet shall be provided for automobile back-up room behind standard spaces and 18 feet behind compact spaces. Designs shall minimize the need for multiple or complex turning movements. When angled parking is used, the minimum back-up room shall be that distance specified in the current edition of Architectural Graphic Standards.

C. Compact spaces may constitute 50% of the total required spaces. All spaces provided in excess of the minimum requirements may be compact spaces.

D. Driveways shall be located to preserve as much on-street, curbside parking as possible. Driveways and other improvements on the property shall be designed for safe and unobstructed visibility of pedestrians and automobile traffic both on and off the site.

E. Surface parking spaces shall not be constructed within required front set back areas in the RC or R-4 Districts. Portions of rear or side setback areas may be used for back-up movements as long as the majority of the setback is landscaped.

F. The following standards apply to underground parking garages in addition to those required by Subsections A, B, C, and D.

1. For that portion of an underground garage facing any public street, way, place or park, the maximum height of the finished floor level above an underground parking garage shall not be higher than five feet above the existing grade or the official street grade whichever measurement results in the lower height.

2. Underground parking garages may be constructed within required setbacks if significant trees will not be removed or injured and the setback can still be effectively landscaped. Underground garage designs should provide sufficient room around the perimeter to accommodate existing and new tree root systems.

3. The grade of driveways providing access to underground garages shall not exceed 5% in the first 10 feet of the driveway slope near the entry and shall not exceed 10% in the last 10 feet near the level of the garage floor. The intervening grade shall not exceed 25%. Driveway designs shall provide sufficient area to allow drivers to view automobile and pedestrian traffic before merging into such traffic.

4. Garages shall be ventilated to avoid the build-up of exhaust gases. When mechanical ventilation is used, noise mitigation measure shall be incorporated such as low-noise fans, insulated ductwork and vibration absorbing mounting systems. Ducts shall not exhaust toward any building openings or open space on any adjoining property nor toward any on-site or off-site open space, pathway, street, place or park accessible to the public. Venting to the roof is generally preferred. Plans for underground garages shall be reviewed to ensure accessibility for Police and Fire Department personnel during emergencies. To the extent possible, utility meters, vaults and connections should be located within garages or driveways and away from pedestrian walking surfaces.

17.12.140 Special Design Topics

A. Façade Remodels

When facades are remodeled, the adopted Commercial Design Guidelines should be followed so that the basic design framework of the commercial district is conserved. On buildings where consistency of architectural character has been lost through past actions the preferred design solution is to restore or establish a consistent character. In general, each building should reflect a single type of architecture expressed through consistent use of fenestration, detailing, materials and textures, body color, trim color, awnings and roofs regardless of how many businesses occupy the building. The City strongly encourages the participation of the property owner in the design review process to achieve this end. When plans for remodels are reviewed for approval, the reviewing body must find the following to be true:

1. The proposed modification contributes to, restores or achieves consistency of architectural character and scale when considering the building or courtyard as a whole.

2. The proposed modification does not incorporate materials, patterns or other design elements that would:

- Call attention to the building.
- Create a form of advertising or sign through architectural treatment.
- Would render the storefront unusable by a different business occupant without further remodeling.
- Create a standardized identification with a particular business use.

B. Roofing Materials

1. Roofing materials shall be selected that are consistent with the design character of the buildings on which they are placed. Roofing materials should be consistent in color and composition on each roof plane of the building and on the roofs of each building within a single complex or courtyard.

2. All newly installed roofs shall be of noncombustible Class-A materials. Buildings determined by the City to qualify as Architectural, Cultural or Historic resources may use fire treated wood roofing materials with a fire resistant underlayment assembly approved by the Building Official to meet standards for historic rehabilitation.

3. The Planning Commission may, by resolution, establish a palette of pre-approved roofing materials that shall be used for Administrative Design Review.

4. For existing roofs that do not comply with City design standards, repairs may be made using materials that match the existing roof if no more than 25% of the roof area is replaced on the building within any twelve month period. If the area of the roof being replaced exceeds 25% the work shall be considered a replacement and shall meet all current design standards.

C. Concealment of Roof top Equipment

1. Design Review. Rooftop mechanical equipment such as, but not limited to, heating, cooling and ventilation system equipment shall be concealed from public view. When visible, the enclosures and location of such equipment are subject to design review. Existing rooftop mechanical equipment shall be concealed or relocated out of view whenever a roof is replaced as defined in Section 17.12.100.D. and when equipment is upgraded or replaced to any extent that requires issuance of a Building Permit.

2. Standards for Review. Rooftop mechanical equipment shall be restricted or shielded from view from the public right-of-way and from adjoining structures by one or more of the following means:

- Located on a portion of the rooftop that is not visible to the public.
- Located behind roof forms, parapets or screens that are compatible with the architectural character of the structure.

D. Design Regulations for Exterior Seating Associated with a Restaurant

The following standards shall be used in reviewing proposals for exterior restaurant seating:

- The proposal shall not result in a net increase in seating capacity.
- The seating area shall not occupy more than ten percent (10%) of the site area.
- The area in which the seating is proposed shall be fully contained on private property and shall not interfere with automobile or pedestrian traffic on any public right-of-way or through any intra-block walkway.
- The outer boundaries of the seating area shall be clearly demarcated by landscaping or other site features. The boundaries shall be established to preserve a sense of openness, and ease of access for pedestrian traffic. (See Commercial Design Guidelines.)
- Outdoor seating areas which allow visual contact and incidental communication between patrons and passersby are encouraged.
- Physical structures that enhance patron comfort such as windscreens, heaters, and exterior lighting shall be shielded from view from the public right-of-way and from intra-block walkways or shall be designed to be architecturally compatible with the village character and the adjacent buildings. (See Commercial Design Guidelines.)
- Hours of service to outside seating areas shall be regulated and monitored to prevent impacts on uses in the vicinity.

E. Standards for Display Cases

Except as otherwise provided in Section 17.36.050.C for restaurant menu boxes, a display case shall meet the following standards and criteria:

- The size and scale shall be appropriate to the surroundings and shall be designed and fabricated so as to be compatible with surrounding architecture.
- It shall contain no more than one sign not exceeding 0.18 square feet in area (except for a menu sign) which serves to identify the owner of the display case and directs the public to the store where the merchandise is sold.
- It shall be located on the same property as the business or courtyard to which the display case applies and shall not impede the flow of pedestrian movement.
- It shall contain merchandise which is representative of products for sale in the business premises, excluding display of wares of another business elsewhere or merchandise not available in the store to which the display case applies.

F. Signs

For exterior and interior sign regulations applicable to the Commercial and R-4 Districts please refer to Chapter 17.36 of the Municipal Code.

G. Antennae

Except for antennae pre-empted by Federal law, antennae in the commercial districts shall be located and screened to reduce their visibility from the public right-of-way and adjacent properties. All antenna installations must be reviewed and approved by the Planning Commission through the Commercial Design Review procedures. Except as provided in CMC 17.08.100 antennae located in any commercial land use district shall conform to the following standards:

- All ground-mounted antennae shall be required to maintain their supporting structures at least three feet from any property line.
- All ground-mounted antennae shall be screened by walls, color, fences or landscaping. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna. The landscaping plan shall be approved by the Director of Forest, Parks and Beach before it is implemented.
- No part of any antenna shall be higher than the maximum height allowed in the underlying land use district.
- A maximum of one antenna shall be allowed on a building site.
- All roof mounted antennae are prohibited except as provided in CMC 17.08.100(B)(5)(c).

H. Exterior Flags

The installation of flags can be an attractive addition to the community. However, inappropriate installations can create visual clutter and a poor design relationship with surrounding buildings and can obstruct commercial signage. For these reasons the following guidelines have been established. Proposed flag installations not meeting these guidelines, and all flag installations on public property, shall be referred to the Design Review Board for review and approval.

- Each building site shall be authorized to install two flags.
- Each flag shall be limited in size to 36" x 60" or smaller. Flags displayed flush against a vertical building surface are limited to 24" x 36" or smaller.
- Flags shall be made of woven cloth, nylon or similar fabric. Flags shall be maintained in a clean, unmodified and untorn condition.
- Each flag shall be mounted so as not to touch anything beneath it including the ground, floor, water, merchandise, building elements, vegetation or pedestrians. All portions of each flag shall maintain a minimum clearance of seven feet (7') above any publicly accessible walkway.
- Flags shall be mounted at a height not exceeding eighteen feet (18') above the nearest grade or adjacent walkway at any floor level. Flags mounted on a building shall not be higher than the adjacent roof eave at any point.
- Flags shall not be placed where they would obstruct direct view of nearby businesses by pedestrians on adjacent sidewalks and walkways.
- Flags shall be mounted in one of the following ways:
 - At an upward angle of at least 30 degrees from horizontal by a staff attached to a vertical building surface (wall, post, etc.) so as to allow the flag(s) to hang free; or
 - Flat against a wall or window of a building such that the short dimension of the flag forms a horizontal line and the long dimension of the flag hangs down vertically; or
 - From a free-standing pole of not more than eighteen feet in height and of a natural color or painted in a nonmetallic and non reflective color to blend with the hues found on adjacent buildings.

SECTION TWO. Design Review Processes.

The following amendments shall be made to Sections 17.40.010, 17.40.020 and 17.40.030 of the Municipal Code:

17.40.010 Design Review Authority Established

A Design Review authority is established. This function is delegated to the Planning Commission, the Design Review Board and the Department of Community Planning and Building. The following Sections establish the scope and procedures for Design Review throughout the City.

17.40.020 Uniform Requirements

A. Submittal Standards. The Department of Community Planning and Building shall establish uniform submittal requirements to enable a full understanding of each project, facilitate review and provide consistency. Fees for Design Review processes shall be as established by Resolution of the City Council.

B. Coordination of Review Bodies. Any reviews by the Forest and Beach Commission and/or Historic Preservation Committee that are required for a project shall occur prior to consideration of the project by the Design Review Board or the Planning Commission.

C. Delegation of Review Authority. Those projects requiring environmental review or a land use permit (Use Permit, Variance, Lot Line Adjusting or Subdivision) shall receive design review by the Planning Commission. All other projects shall receive design review from the Design Review Board or the Department of Community Planning and Building.

17.40.030 Commercial Design Review Categories

A. Commercial District Administrative Permit. This is a staff-administered, discretionary process to review minor design changes. The Planning Director may approve the following exterior alterations in all Commercial and the R-4 Districts that comply with the Zoning Code and any applicable Commercial Design Guidelines:

- Façade remodels
- Exterior lighting and landscaping changes
- Color, material and textures of exteriors
- Exterior doors and exterior windows
- Exterior heaters
- Awnings
- Signs
- Flags
- Display Cases
- Paving on private property.
- Public Way improvements
- Street furniture
- Newspaper racks

Proposed projects that do not comply with the Municipal Code or the General Plan will be denied. Projects that comply with the Code but do not comply with the Commercial Design Guidelines or other adopted criteria shall be referred to the Design Review Board for action. Decisions to approve or deny projects under Administrative

continued on page 25A

PLUGGED IN

From page 17A

bone, **Ruth Davies** on bass, **Tony Johnson** on drums and **Jim Putman** on guitar. For tickets and reservations, call 624-6432.

Next Saturday, Oct. 27, saxophonist/composer/arranger **Virginia Mayhew** returns to the Jazz & Blues Company for an encore. A

native of San Francisco, Mayhew moved to New York City in 1987 and quickly became an active player in the New York jazz scene. She has for several years worked with veteran trombonist Al Grey and with the all-female big-band, Diva. Her 1998 CD release, "Nini Green," featured pianist Kenny Barron and was praised by critics for its widely divergent styles.

A Carmel favorite, Mayhew performs next Saturday with her quartet at 7:30 p.m.



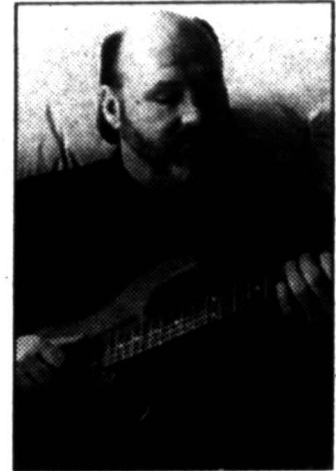
Sista Monica

this year: "Sista Monica Live in Europe" and "Gimme That Old Time Religion (Sista Monica Sings Gospel)."

Since she first started singing profession-

Santa Cruz blues diva **Sista Monica Parker** returns to Sly McFly's on Cannery Row this Saturday evening, Oct. 20. One of the hottest contemporary female blues and gospel singers and performers in the world today, Sista Monica released two CDs

ally in 1992 at a little Santa Cruz club call Emi's Bar & Grill, Monica has in less than a decade become an international star. She performed for President Bill Clinton at the 2000 Democratic National Convention and has appeared on CNN, Bay TV and the BBC in Europe. A perennial Monterey favorite, Sista Monica knows how to throw a party! Advance tickets are available at Sly McFly's. Call 649-8050.



Tim Culbertson

Also this Saturday, Oct. 20, local good guy **Tim Culbertson** celebrates the release of his long anticipated CD, "It is What It is" with a benefit concert for the YWCA Domestic Violence Programs. The concert starts at 7 p.m. and takes place at the Monterey Peninsula College Music/Recital Hall.

As principal of Forest Grove Elementary School in Pacific Grove, Culbertson has been confronted with the effect of domestic violence on children.

Tickets are \$10. For more information call 372-2538.

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America's beloved icon, the Coast Redwood, evocatively captured in new book

"COAST REDWOOD — A Natural and Cultural History," an exquisitely produced book printed in Singapore by Cachuma Press, Los Olivos, (\$27.95), tells in text and photographs the fascinating story of the earth's tallest tree, the *Sequoia sempervirens*.

The Bookshelf

By MARGOT PETIT NICHOLS



The book is written almost reverently by a team of authors who examine the origins, ecology, harvest and utilization, and the history of Coast Redwood preservation, as well as conservation and management of this great American icon.

Hundreds of color photographs, supplemented with sepia and black

spotted owl and its chick perching 70 feet up in a redwood tree.

The text is scholarly, yet makes for a good read, or reads, as the book is 228-pages in length.

The authors include plant ecologist **Michael Barbour**, faculty member at the University of California at Davis since 1967; **Sandy Lydon**, Historian Emeritus, Cabrillo College, Aptos, where he taught Asian, California and regional history for over 30 years; Ecologist **Mark Borchert**, Ph.D., who has worked for the United States Forest Service as an ecologist for 20 years in plant demography and oak regeneration; **Marjory Popper**, editor at Cachuma Press and co-author of "Oaks of California"; **Valerie Whitworth**, language arts educator; and **John Evarts**, Cachuma Press publisher.

Co-author Sandy Lydon will be presenting a free lecture



and signing at 7 p.m. on Friday, Oct. 26 at the Unitarian Church in Carmel, under the sponsorship of The Thunderbird Bookshop, Barnyard, Carmel. The Unitarian Church is located at 490 Aguajito Road, Carmel. Professor Lydon will speak on "Coast Redwoods: The Monterey Connection." This should prove to be a fascinating evening.

Lydon was selected by the Cabrillo College faculty, staff and students to receive the Floyd Younger Teaching Excellence Award for the year 2000.

For information, call May Waldroup at The Thunderbird Bookshop at 624-1803.

and white photographs, printed on highly glossy stock, are breathtaking. One, in particular, a double truck near the beginning of the book, shows one of these magnificent giants, hoary with ferns and moss growing from its gigantic trunk and burls: A grand dad of them all.

Petrified redwoods, dating back some 50 million years, are shown in a fossil forest atop Yellowstone National Park; towering redwoods in fog and moisture in the Pacific Northwest's temperate rain forest are superbly eerie, their ecosystems deriving substantial amounts of moisture from fog; endearing photos of the Save-the-Redwoods League, circa 1920s, with women in ankle length coats, wearing hats and carrying handbags in the Humboldt forests; President Herbert Hoover joining hands with a large group of people encircling the Stout Tree in Stout Memorial Grove in Del Norte County in 1928; and a northern

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WED - OCTOBER 24

Richard Gordon will discuss the touch healing system and sign copies of his book, **Quantum Touch**.
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NOTICE OF VACANCY

The City of Carmel-by-the-Sea is seeking an individual to serve as a volunteer representative to the Transportation Agency for Monterey County (TAMC) Bicycle and Pedestrian Facilities Advisory Committee (BPC). The BPC is an advisory committee set up to consider policy options and advise the TAMC board on bicycle and pedestrian safety and policy in Monterey County.

Interested parties may obtain an Application for Appointment at City Hall, located on the east side of Monte Verde between Ocean and 7th between the hours of 8:00 am. and 5:00 p.m. The application submittal deadline is Friday, November 2, 2001. Contact Karen Crouch, City Clerk, at 620-2000 for additional information.

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Write: **Lyonel Gibson, International Missionary & Christian Workers, Inc.** 3611 North Orchard, Fresno, CA 93726

PUBLIC NOTICES PUBLIC NOTICES PUBLIC NOTICES PUBLIC NOTICES

CITY OF CARMEL-BY-THE-SEA ORDINANCE NO. 2001-09

AN ORDINANCE AMENDING THE CITY'S DESIGN STANDARDS AND REVIEW PROCESSES FOR PROPERTIES IN ALL COMMERCIAL AND R-4 DISTRICTS

WHEREAS, the City of Carmel-by-the-Sea is recognized as having a Commercial District of exemplary design; and

WHEREAS, the design character of the Commercial District is a community asset that enhances the quality of life of its residents, strengthens its economic base and brings delight to countless visitors; and

WHEREAS, conserving this design character while allowing appropriate change is best achieved by adopting a combination of design regulations, design guidelines and design review processes that guide the design of new buildings and remodels toward established patterns of village character; and

WHEREAS, the City's adopted General Plan directs that the scale and character of the community be preserved through the administration of land use and design standards; and

WHEREAS, the Planning Commission has studied commercial design over the past two years and received advice from a variety of committee, task forces and other sources; and

WHEREAS, through the work of the Planning Commission an illustrated set of design guidelines has been produced along with revised dimensional and regulatory standards; and

WHEREAS, the proposed design guidelines, regulations and design review process will aid in preserving community character, improve communication with applicants about desired outcomes, streamline the review process, foster a pedestrian-oriented retail core, preserve open space and a visual transition within the periphery of the business district and promote the public health, safety and welfare of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN AS FOLLOWS:

SECTION ONE. Commercial Design Regulations. Chapter 17.12 shall be replaced in its entirety with the following provisions:

17.12.010 Findings -- Applicability of Provisions

The City affirms its 1929 statement that it is essentially and predominantly a residential city with a unique commercial and multifamily residential area noted for its village character. This character arises from the variety in building designs and their modest scale, from the prevalence of contiguous street facades punctuated by frequent courtyards, and from the employment of open space and landscaping as a setting for the mix of apartments and shops within the commercial district.

Most structures built prior to 1940 consist of two story reinforced concrete or wood frame buildings in a variety of architectural styles. The oldest buildings in the district, although remodeled, retain features associated with the Italianate and other commercial styles typical of the late nineteenth and early twentieth century American "Main Street" vernacular. These include second story bay windows, double-hung sash windows, remnants of board and batten and tongue and groove siding, quoins, and paneled and glazed doors. However, it was the construction that took place under the influence of the Spanish Colonial and Tudor architectural revivals of the 1920's that left the most lasting imprint on the character of the business district. Tudor motifs of half-timbering, grouped rectangular windows, ornate brick work, oriel and bay windows, and complex roofs with multiple gables are interspersed among the Spanish stylistic trademarks of plaster exteriors and tiled roofs, of arcades, of ornate wrought iron and carved wood detailing, of colorful glazed tile for staircase risers, for dados, fountains, planters, and backslashes, and for patios and courtyards.

This tradition of architectural diversity enhances the character of the commercial district and adds a lively sense of history to village ambiance. Designs for new buildings and modifications to existing buildings should respect this tradition and this historicity and avoid out-of-scale or bizarre building forms or incompatible design. The City has consciously chosen architectural eclecticism and encourages originality and invention so long as the results encompass the unifying values of human scale and the use of natural materials and their role in preserving village character.

17.12.020 Design Review

In order to protect the unique qualities and characteristics of the Central Commercial (CC), Service Commercial (SC), Residential and Limited Commercial (RC) and R-4 districts all exterior design changes are subject to site plan and architectural approval as described in Chapter 17.40 of this Title.

When a proposed project involves construction of a new building or the replacement, significant enlargement, or modification of an existing building, applicants are encouraged, first, to consult the Design Guidelines and then to prepare and submit conceptual or preliminary drawings for review by the Design Review Board or Planning Commission. This preliminary review can promote communication between project applicants, the City's staff and decision-makers, facilitating an understanding of applicable design regulations and avoiding unnecessary expenditures in detailed plans.

17.12.030 Standard of Review and Design Guidelines

The basic standard of review in all commercial districts is whether the proposed project constitutes an improvement over existing conditions -- not whether the project just meets minimum standards. To assist in the design and review process, the City Council has adopted Commercial Design Guidelines. Proposed projects need not strictly comply with every Guideline to be approved but deviations should be minor and reasonably related to good design principles and site conditions.

17.12.040 Maximum Building Site Area

The maximum land area that may be developed as a single building site in the CC District is 8,000 square feet, in the SC District is 12,000 square feet and in the RC District is 32,000 square feet. Development of a parcel larger than these limits requires that the land area be broken up into two or more distinctly different developments to avoid the appearance of a single large project and to maintain the small scale and village character of the City.

17.12.050 Building Coverage

Building coverage is defined as the total ground area of a site occupied by any building or structure as measured from the outside of its surrounding external walls or supporting members. Building coverage includes exterior structures such as stairs, arcades, bridges, permanent structural elements protruding from buildings such as overhanging balconies, oriel windows, stories which overhang a ground level story, and covered porches.

Excluded from building coverage are roof eaves extending less than 30 inches from the face of the building, awnings or covered entryways and masonry walls not greater than 6 feet in height such as wing-walls, planter walls or grade-separation retaining walls. All site area not counted as building coverage shall be considered open space.

A. The maximum allowable building coverage in the CC and SC Districts may be 98% of the total site area only if Commercial Guidelines III A. are followed. No existing courtyard or intra-block walkway shall be removed. This prohibition will reduce the amount of allowable building coverage on some sites.

B. The maximum allowable building coverage in the RC District shall not exceed 70% of the total site area if the land area is 4,000 square feet or less. If the land area is more than 4,000 square feet, the allowable building coverage shall be reduced by one percent (1%) for each additional 2,000 square feet of site area. (For example, the allowable building coverage on a 6,000 square foot site equals 69% of the total site area.)

17.12.060 Floor Area Ratio

Floor area ratio is defined as the total combined area included within the surrounding exterior walls of all floor levels. Floor area includes all floor spaces used for commercial, manufacturing, residential and miscellaneous land uses including space occupied by mezzanine floors, interior walkways, storage areas above ground, hallways, restrooms, and both interior and exterior wall thicknesses.

Floor area excludes the following: underground floor space within a basement, cellar or underground garage when not used for commercial purposes. Also excluded are: underground areas for non-commercial storage or parking and mechanical spaces within a building limited to vent, duct and piping shafts, and mechanical equipment rooms of the minimum size required by the Building Code.

A. Central Commercial and Service Commercial District Provisions--The basic floor area ratio allowed for one story buildings in the CC and SC Districts shall be 95% of the site area and for two story buildings shall be 135% of the site area. In addition to the basic floor area ratio, two story buildings may qualify for a maximum 15% bonus which allows a floor area ratio up to 150% of the site area.

1. Housing bonuses--A floor area bonus of up to 5% may be granted for projects that include permanent apartments reserved for senior citizens. A floor area bonus of up to 10% may be granted for projects that include at least one housing unit permanently reserved for persons of low or very low income as defined by AMBAG. Approval of such projects are subject to findings 17.18.150.B. and C.

2. Courtyards and intra-block walkway bonuses--A floor area bonus of up to 10% may be granted for projects that include a courtyard and/or intra-block walkway.

B. Residential and Limited Commercial District and R-4 District Provisions--The basic floor area ratio allowed for one story buildings in the RC and R-4 Districts shall be 70% of the site area and for two story buildings shall be 80%. In addition to the basic floor area ratio two story buildings may qualify for a bonus of up to 15% which allows a floor area ratio of up to 95% of the site area.

1. Senior Housing bonuses--A floor area bonus of up to 5% may be granted for projects that include permanent apartments reserved for senior citizens.

2. Affordable Housing bonuses--A floor area bonus of up to 10% may be granted for projects that include at least one housing unit permanently reserved for persons of moderate income as defined by AMBAG. A floor area bonus of up to 15% may be granted for projects that include at least one housing unit permanently reserved for persons of low or very low income as defined by AMBAG. Approval of such projects are subject to findings 17.18.150.B. and C.

C. No single structure shall contain more than 10,000 square feet of floor area. Interaccessibility between adjacent structures on one or more building sites by any means that allows passage between structures without first exiting to an open space area shall not be allowed if the resulting floor area contained within the combined structures would exceed 10,000 square feet of area.

17.12.070 Building Height

Height shall be measured from the more restrictive of existing or finished grade. Height limits established in this Chapter shall be measured as the vertical distance between any point on the grade of a building site and the highest point of any structure directly above that point on grade.

A. The allowable maximum building height shall be determined primarily by the design context established by the prevailing heights of nearby structures facing the

same street or intersection and within the same pedestrian field of view (generally, within 100 feet to either side of or across the street from the proposed structure, or to the end of the block, whichever is greater). In the CC and SC Districts the main building and roof form of all structures shall be limited to a maximum of 30 feet. In the RC and R-4 Districts the main building and roof form of all structures shall be limited to a maximum of 26 feet. Small areas, not exceeding 15% of the building footprint and occupied by roof peaks or special design features such as towers, steeples and ornamentation may exceed this height if approved by the Planning Commission.

B. Building sites which face, abut or adjoin any property in the R-1 District shall be limited to a height of 24 feet.

C. Story: An enclosed space between the upper surface of any floor and the upper surface of the floor next above; except that the topmost story shall be the enclosed space between the upper surface of the topmost floor and the ceiling or roof above. In all commercial districts a basement, cellar or garage shall be considered a story if the finished floor level directly above such basement or cellar is more than five feet above the official sidewalk grade adjacent to the site.

D. No building shall have more than two stories above grade. Additional underground floors, not defined as a story, may be authorized by a use permit approved by the Planning Commission when the use of these floors is expressly limited to the parking of vehicles, non-commercial storage and mechanical equipment serving the building.

17.12.080 Setbacks in the RC and R-4 Districts

A. Sites abutting or across the street from an R-4 or RC District require a front setback of at least 5 feet. Sites abutting or across the street from an R-1 District require a front setback of at least 7 feet. Sites in other locations do not require a front setback.

B. Sites abutting an R-1 or R-4 District require a rear setback of 10 feet. Sites in other locations do not require a rear setback.

C. Setbacks required by this section shall be used primarily for landscaping.

17.12.090 Open Space Courtyards and Intra-block Walkways

A. Open space is an open area that is free of structures and is visually accessible from public ways or walkways.

B. A courtyard is an open space on private property that is linked to an adjoining sidewalk or walkway in such a manner as to encourage public access. It must be enclosed on at least two sides by buildings and must remain open to the sky. To qualify for floor area bonus provisions the minimum width of a courtyard shall be twenty (20) feet and the minimum area shall be four hundred (400) square feet.

C. An intra-block walkway is a publicly accessible ground level pedestrian path providing a connecting route between two or more different streets around a block. Such walkways are often coordinated with courtyards and may involve more than one property ownership to complete. To qualify for floor area bonus provisions the minimum width of an intra-block walkway shall be four (4) feet.

D. Existing courtyards and intra-block walkways are to be conserved as an essential element of the City's design character and shall not be removed. All proposals to alter the size, location or configuration of a courtyard or intra-block walkway require review by the Planning Commission. Generally, such changes shall be approved only if the Commission finds that the proposed change would be an improvement over existing conditions such as improving public access, allowing for creation of a new or better link with courtyards or walkways nearby or eliminating a safety hazard.

17.12.100 Landscaping

A. Improvements to property at or near the land surface which incorporates living plant material, attractively arranged and maintained, is desirable. At least 50% of the required open space on each site shall be landscaped. Landscaping may include permanent, nonliving materials such as garden benches, water features and patterned paving treatments as long as the combined total area of such alternatives to plant material is not used for more than 25% of the required landscaping on any site. All landscaping improvements shall include upper canopy trees on site and/or in the sidewalk in front of the property whenever possible. All approved landscaping shall be maintained by the property owner in a healthy and attractive manner.

B. Building sites contiguous to the R-1 District shall provide sufficient landscaping and trees to visually blend with open space and landscaping on adjacent sites.

C. Landscape plans are required in the submittal process for design review.

D. Landscaping Requirements for Gasoline Stations. Landscaping shall be provided and maintained in a healthy state to give an attractive appearance to the public street along 80% of the street frontage not occupied by driveways. Planting shall be of a type that will provide a minimum height of four (4) feet along no less than 60% of the required landscaped frontage.

E. Landscape Requirements for Surface Parking Designs. Building sites incorporating surface parking lots shall include at least 15% of the site area in landscaping. Landscaping shall be distributed along all street frontages and pedestrian walkways that are adjacent to parking areas to help screen parked automobiles from view. Plant species and/or planters should be designed to achieve a height of at least 5 feet above the surface of the parking lot except where this would conflict with safe visibility or good site design. Landscaping shall also be provided within the interior of surface lots to break up large expanses of paving. Parking lots with 4 or more vehicles shall provide interior landscaping of at least 10 square feet per vehicle.

17.12.110 Public Improvements

Development projects involving substantial new or replacement construction shall include improvements in the public right of way adjacent to the building site to coordinate the design of the development with the design of City streets, sidewalks, walkways and infrastructure improvements and to enhance the overall appearance of the community. (See Policy and Standards for Public Way Design).

17.12.120 Parking Requirements

Surface parking, parking structures and driveway design shall be consistent with the provisions of Chapter 17.34 of this Title. In order to preserve the village character and pedestrian orientation of the downtown core, on-site parking in the CC District shall be prohibited and no site alteration shall be allowed that includes additional driveways, surface parking spaces or underground spaces within this district. Parking requirements in the CC District shall be satisfied through the payment of fees in-lieu of on-site parking as established in Chapter 17.34.

17.12.130 Parking Design

The following standards shall apply to all surface and underground parking designs:

A. All surface and underground parking space minimum dimensions shall be 9 feet by 20 feet for standard spaces and 8 feet by 16 feet for compact spaces.

B. For all parking designs with parking spaces perpendicular to vehicle travel lanes, a minimum of 20 feet shall be provided for automobile back-up room behind standard spaces and 18 feet behind compact spaces. Designs shall minimize the need for multiple or complex turning movements. When angled parking is used, the minimum back-up room shall be that distance specified in the current edition of Architectural Graphic Standards.

C. Compact spaces may constitute 50% of the total required spaces. All spaces provided in excess of the minimum requirements may be compact spaces.

D. Driveways shall be located to preserve as much on-street, curbside parking as possible. Driveways and other improvements on the property shall be designed for safe and unobstructed visibility of pedestrians and automobile traffic both on and off the site.

E. Surface parking spaces shall not be constructed within required front set back areas in the RC or R-4 Districts. Portions of rear or side setback areas may be used for back-up movements as long as the majority of the setback is landscaped.

F. The following standards apply to underground parking garages in addition to those required by Subsections A, B, C, and D.

1. For that portion of an underground garage facing any public street, way, place or park, the maximum height of the finished floor level above an underground parking garage shall not be higher than five feet above the existing grade or the official street grade whichever measurement results in the lower height.

2. Underground parking garages may be constructed within required setbacks if significant trees will not be removed or injured and the setback can still be effectively landscaped. Underground garage designs should provide sufficient room around the perimeter to accommodate existing and new tree root systems.

3. The grade of driveways providing access to underground garages shall not exceed 5% in the first 10 feet of the driveway slope near the entry and shall not exceed 10% in the last 10 feet near the level of the garage floor. The intervening grade shall not exceed 25%. Driveway designs shall provide sufficient area to allow drivers to view automobile and pedestrian traffic before merging into such traffic.

4. Garages shall be ventilated to avoid the build-up of exhaust gases. When mechanical ventilation is used, noise mitigation measure shall be incorporated such as low-noise fans, insulated ductwork and vibration absorbing mounting systems. Ducts shall not exhaust toward any building openings or open space on any adjoining property nor toward any on-site or off-site open space, pathway, street, place or park accessible to the public. Venting to the roof is generally preferred. Plans for underground garages shall be reviewed to ensure accessibility for Police and Fire Department personnel during emergencies. To the extent possible, utility meters, vaults and connections should be located within garages or driveways and away from pedestrian walking surfaces.

17.12.140 Special Design Topics

A. Façade Remodels

When facades are remodeled, the adopted Commercial Design Guidelines should be followed so that the basic design framework of the commercial district is conserved. On buildings where consistency of architectural character has been lost through past actions the preferred design solution is to restore or establish a consistent character. In general, each building should reflect a single type of architecture expressed through consistent use of fenestration, detailing, materials and textures, body color, trim color, awnings and roofs regardless of how many businesses occupy the building. The City strongly encourages the participation of the property owner in the design review process to achieve this end. When plans for remodels are reviewed for approval, the reviewing body must find the following to be true:

1. The proposed modification contributes to, restores or achieves consistency of architectural character and scale when considering the building or courtyard as a whole.

2. The proposed modification does not incorporate materials, patterns or other design elements that would:

a. Call attention to the building.

b. Create a form of advertising or sign through architectural treatment.

c. Would render the storefront unusable by a different business occupant without further remodeling.

d. Create a standardized identification with a particular business use.

B. Roofing Materials

1. Roofing materials shall be selected that are consistent with the design character of the buildings on which they are placed. Roofing materials should be consistent in color and composition on each roof plane of the building and on the roofs of each building within a single complex or courtyard.

2. All newly installed roofs shall be of noncombustible Class-A materials. Buildings determined by the City to qualify as Architectural, Cultural or Historic resources may use fire treated wood roofing materials with a fire resistant underlayment assembly approved by the Building Official to meet standards for historic rehabilitation.

3. The Planning Commission may, by resolution, establish a palette of pre-approved roofing materials that shall be used for Administrative Design Review.

4. For existing roofs that do not comply with City design standards, repairs may be made using materials that match the existing roof if no more than 25% of the roof area is replaced on the building within any twelve month period. If the area of the roof being replaced exceeds 25% the work shall be considered a replacement and shall meet all current design standards.

C. Concealment of Roof Top Equipment

1. Design Review. Roofing mechanical equipment such as, but not limited to, heating, cooling and ventilation system equipment shall be concealed from public view. When visible, the enclosures and location of such equipment are subject to design review. Existing rooftop mechanical equipment shall be concealed or relocated out of view whenever a roof is replaced as defined in Section 17.12.100.D. and when equipment is upgraded or replaced to any extent that requires issuance of a Building Permit.

2. Standards for Review. Rooftop mechanical equipment shall be restricted or shielded from view from the public right-of-way and from adjoining structures by one or more of the following means:

a.) Located on a portion of the rooftop that is not visible to the public.

b.) Located behind roof forms, parapets or screens that are compatible with the architectural character of the structure.

D. Design Regulations for Exterior Seating Associated with a Restaurant

The following standards shall be used in reviewing proposals for exterior restaurant seating:

1. The proposal shall not result in a net increase in seating capacity.

2. The seating area shall not occupy more than ten percent (10%) of the site area.

3. The area in which the seating is proposed shall be fully contained on private property and shall not interfere with automobile or pedestrian traffic on any public right-of-way or through any intra-block walkway.

4. The outer boundaries of the seating area shall be clearly demarcated by landscaping or other site features. The boundaries shall be established to preserve a sense of openness and ease of access for pedestrian traffic. (See Commercial Design Guidelines.)

5. Outdoor seating areas which allow visual contact and incidental communication between patrons and passersby are encouraged.

6. Physical structures that enhance patron comfort such as windscreens, heaters, and exterior lighting shall be shielded from view from the public right-of-way and from intra-block walkways or shall be designed to be architecturally compatible with the village character and the adjacent buildings. (See Commercial Design Guidelines.)

7. Hours of service to outside seating areas shall be regulated and monitored to prevent impacts on uses in the vicinity.

E. Standards for Display Cases

Except as otherwise provided in Section 17.36.050.C for restaurant menu boxes, a display case shall meet the following standards and criteria:

1. The size and scale shall be appropriate to the surroundings and shall be designed and fabricated so as to be compatible with surrounding architecture.

2. It shall contain no more than one sign not exceeding 0.18 square feet in area (except for a menu sign) which serves to identify the owner of the display case and directs the public to the store where the merchandise is sold.

3. It shall be located on the same property as the business or courtyard to which the display case applies and shall not impede the flow of pedestrian movement.

4. It shall contain merchandise which is representative of products for sale in the business premises, excluding display of wares of another business elsewhere or merchandise not available in the store to which the display case applies.

F. Signs

For exterior and interior sign regulations applicable to the Commercial and R-4 Districts please refer to Chapter 17.36 of the Municipal Code.

G. Antennae

Except for antennae pre-empted by Federal law, antennae in the commercial districts shall be located and screened to reduce their visibility from the public right-of-way and adjacent properties. All antenna installations must be reviewed and approved by the Planning Commission through the Commercial Design Review procedures. Except as provided in CMC 17.08.100 antennae located in any commercial land use district shall conform to the following standards:

1. All ground-mounted antennae shall be required to maintain their supporting structures of at least three feet from any property line.

2. All ground-mounted antennae shall be screened by walls, color, fences or landscaping. Landscaping shall be of a type and variety capable of growing within one year to a landscape screen which obscures the visibility of the antenna. The landscaping plan shall be approved by the Director of Forest, Parks and Beach before it is implemented.

3. No part of any antenna shall be higher than the maximum height allowed in the underlying land use district.

4. A maximum of one antenna shall be allowed on a building site.

5. All roof mounted antennae are prohibited except as provided in CMC 17.08.100(B)(5)(c).

H. Exterior Flags

The installation of flags can be an attractive addition to the community. However, inappropriate installations can create visual clutter and a poor design relationship with surrounding buildings and can obstruct commercial signage. For these reasons the following guidelines have been established. Proposed flag installations not meeting these guidelines, and all flag installations on public property, shall be referred to the Design Review Board for review and approval.

1. Each building site shall be authorized to install two flags.

2. Each flag shall be limited in size to 36" x 60" or smaller. Flags displayed flush against a vertical building surface are limited to 24" x 36" or smaller.

3. Flags shall be made of woven cloth, nylon or similar fabric. Flags shall be maintained in a clean, unmodified and uniform condition.

4. Each flag shall be mounted so as not to touch anything beneath it including the ground, floor, water, merchandise, building elements, vegetation or pedestrians. All portions of each flag shall maintain a minimum clearance of seven feet (7') above any publicly accessible walkway.

5. Flags shall be mounted at a height not exceeding eighteen feet (18') above the nearest grade or adjacent walkway at any floor level. Flags mounted on a building shall not be higher than the adjacent roof eave at any point.

6. Flags shall not be placed where they would obstruct direct view of nearby business signs by pedestrians on adjacent sidewalks and walkways.

7. Flags shall be mounted in one of the following ways:

a. At an upward angle of at least 30 degrees from horizontal by a staff attached to a vertical building surface (wall, post, etc.) so as to allow the flag(s) to hang free; or

b. Flat against a wall or window of a building such that the short dimension of the flag forms a horizontal line and the long dimension of the flag hangs down vertically; or

c. From a free-standing pole of not more than eighteen feet in height and of a natural color or painted in a nonmetallic and non reflective color to blend with the hues found on adjacent buildings.

SECTION TWO. Design Review Processes.

The following amendments shall be made to Sections 17.40.010, 17.40.020 and 17.40.030 of the Municipal Code:

17.40.010 Design Review Authority Established

A Design Review authority is established. This function is delegated to the Planning Commission, the Design Review Board and the Department of Community Planning and Building. The following Sections establish the scope and procedures for Design Review throughout the City.

17.40.020 Uniform Requirements

A. Submittal Standards. The Department of Community Planning and Building shall establish uniform submittal requirements to enable a full understanding of each project, facilitate review and provide consistency. Fees for Design Review processes shall be as established by Resolution of the City Council.

B. Coordination of Review Bodies. Any reviews by the Forest and Beach Commission and/or Historic Preservation Committee that are required for a project shall occur prior to consideration of the project by the Design Review Board or the Planning Commission.

C. Delegation of Review Authority. Those projects requiring environmental review or a land use permit (Use Permit, Variance, Lot Line Adjustment or Subdivision) shall receive design review by the Planning Commission. All other projects shall receive design review from the Design Review Board or the Department of Community Planning and Building.

17.40.030 Commercial Design Review Categories

A. Commercial District Administrative Permit. This is a staff-administered, discretionary process to review minor design changes. The Planning Director may approve the following exterior alterations in all Commercial and the R-4 Districts that comply with the Zoning Code and any applicable Commercial Design Guidelines:

1. Façade remodels
2. Exterior lighting and landscaping changes
3. Color, material and textures of exteriors
4. Exterior doors and exterior windows
5. Exterior heaters
6. Awnings
7. Signs
8. Flags
9. Display Cases
10. Paving on private property;
11. Public Way improvements
12. Street furniture
13. Newspaper racks

Proposed projects that do not comply with the Municipal Code or the General Plan will be denied. Projects that comply with the Code but do not comply with the Commercial Design Guidelines or other adopted criteria shall be referred to the Design Review Board for action. Decisions to approve or deny projects under Administrative

continued on next page

LAWSUIT

From page 1A

Carmel to undertake its own environmental review before asking for the court's opinion on whether the city has engaged in an "illegal pattern and practice" of allowing homes to be demolished without considering the overall impact on the character of the town, according to Tipton.

The city released a draft EIR of its pending Historic Preservation Element and Ordinance Sept. 7, and consultant Kent Seavey recently conducted a historic survey of all the homes in Carmel.

Speaking on behalf of Sales, attorney Susan Brandt-Hawley said the court should not grant the city's request for summary judgment while the cumulative impact question remains unanswered because the EIR

may be inadequate.

"While each individual house may not qualify as a resource, hundreds together do," she said. "Until we have a study of what the impact of losing these one by one may be, we don't know."

Brandt-Hawley said "waves of demolitions are decimating the community's cultural and historic resources," in a court document contesting the city's request for summary judgment.

As evidence, Sales and Brandt-Hawley pointed to the demolition of the Donati home, arguing that while councilmembers "acknowledged the increasing loss of Carmel resources through the popularity of demolition and construction of trophy homes, [they] voted to approve the demoli-

See DONATI page 27A

Mary's Angels

425 Elder Avenue,
Sand City CA 93955
Tel. 831-393-0345

Unique Gifts & Ornamental Art
for Home & Garden

Handcarved Wood & Cast Stone
Angels, Saints & Animals,
both Antique & Contemporary

Lightweight Stone Fountains
Statuary & Pedestals

OPEN WED. THRU SUN.
HOURS: 10 AM TO 5 PM
(Closed Mon. & Tues.)

DIRECTIONS TO MARY'S ANGELS IN
SAND CITY: On Hwy. 1, just north of the
Monterey exits, take exit marked "218 Seaside
Del Rey Oaks"; go past K-Mart to 1st full
intersection, which is Del Monte Ave. Turn left
onto Del Monte, proceed to 2nd light, which is
Contra Costa St. Turn left onto Contra Costa,
go down 3 blocks to Elder Ave. Turn left onto
Elder. Mary's Angels is at the end of 1st block,
on the right side of the street. #425.

PUBLIC NOTICES PUBLIC NOTICES PUBLIC

From page 21A

Commercial Design Review may be appealed to the Planning Commission by filing a letter of appeal with the Planning Commission Secretary within ten calendar days of the date of action.

8. Commercial Design Review. This is an open and public, discretionary process to review substantial design changes in commercial and R-4 Districts that do not qualify for a Commercial District Administrative Permit, such as:

1. Construction of new buildings
 2. Additions or alterations exceeding 30 feet in height in the CC or SC Districts or exceeding 26 feet in height in the RC or R-4 Districts.
 3. Alterations that affect the size, location or configuration of a courtyard or intra-block walkway
 4. Addition of a second story
 5. New parking facilities
 6. Installation of antennae
 7. All referrals from Administrative Commercial Design Review
 8. All projects not Categorically Exempt from CEQA
- The Planning Commission shall review all projects that require a Use Permit, Variance, Subdivision or other land use permit. The Design Review Board shall review all other projects requiring Commercial Design Review.
- In addition to the projects listed above, the Planning Director may refer public or private design proposals to the Planning Commission or the Design Review Board when unusual circumstances or new policy issues are raised by the project.

SECTION THREE. CROSS REFERENCE REVISIONS.

The following amendments shall be made to Chapter 17.22 of the Municipal Code

17.22.090 Front, Side and Rear Yard Setbacks, is deleted.

17.22.110 Design Regulations. For general design regulations applicable to the R-4 District see regulations applicable to the RC District in Chapter 17.12.

The following amendments shall be made to Chapter 17.34 of the Municipal Code: 17.34.020 (E), (F) and (G) are deleted.

Table-A of Section 17.34.020 shall be amended to include the following footnote: Please refer to Section 17.34.030 for exceptions applicable to the CC District.

SECTION FOUR. Severability. If any part of this Ordinance, even as small as a word or phrase, is found to be unenforceable such findings shall not affect the enforceability of any other part hereof.

SECTION FIVE. Effective Date. This Ordinance shall become effective thirty (30) days after its final passage and adoption. All decisions made after the effective date shall be consistent with this Ordinance

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY- THE-SEA this 9th day of October, 2001 by the following roll call vote:

AYES: COUNCIL MEMBERS: Ely, Hazdovac, Rose, McCloud
NOES: COUNCIL MEMBERS: Livingston
ABSENT: COUNCIL MEMBERS: None

Publication date: October 19, 2001

SIGNED
Sue McCloud, Mayor
ATTEST:

Karen Crouch, City Clerk
(PC1010)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20011698. The following person(s) is(are) doing business as **CAPELLI CAPELLI**, 26346 Carmel Rancho Blvd., Carmel, CA 93923. **ANNETTE COLTELLI**, 18181 Stonegate Ct., Solinas, CA 93908. This business is conducted by an individual. Registrant commenced to transact business under the fictitious business name or names listed above on Sept. 1, 2001. (s)Annette Capelli. This statement was filed with the County Clerk of Monterey County on Sept. 4, 2001. Publication dates: Sept. 28, Oct. 5, 12, 19, 2001. (PC913)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20011819. The following person(s) is(are) doing business as **MEDITERRANEAN MARKET**, Corner of Mission and Ocean Avenue, Carmel, CA 93921. **MEDITERRANEAN MARKET, INC.**, a California Corporation, 26048 Atherton Drive, Carmel, CA 93923. This business is conducted by a corporation. Registrant commenced to transact business under the fictitious business name or names listed above on January 1980. (s)Philip M. Coniglio, Owner, Mediterranean Market, Inc., a California Corporation. This state-

ment was filed with the County Clerk of Monterey County on Sept. 21, 2001. Publication dates: Sept. 28, Oct. 5, 12, 19, 2001. (PC915)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20011827. The following person(s) is(are) doing business as **ELECTRONIC ACCOUNTING SOLUTIONS**, 3775 Via Nona Marie #240, Carmel, CA 93923. **T.W. JOHNSTON & CO. INC.**, 3775 Via Nona Marie #240, Carmel, CA 93923. This business is conducted by a corporation. Registrant commenced to transact business under the fictitious business name or names listed above on N/A. (s)Ted Johnston, President. This statement was filed with the County Clerk of Monterey County on Sept. 24, 2001. Publication dates: Oct. 5, 12, 19, 26, 2001. (PC1001)

STATEMENT OF WITHDRAWAL FROM PARTNERSHIP OPERATING UNDER FICTITIOUS BUSINESS NAME File No. 971044. The following person has withdrawn as a general partner from the partnership operating under the fictitious business name **THOR'S TERMITE & CONSTRUCTION**, 1238 Fremont Blvd., Seaside, CA 93955. The fictitious business name statement for the partnership was filed on May 21, 1997 in the County of Monterey. The full name and residence of the person withdrawing as a partner: **STEVEN FRANK SCHWARTZ**, 1660 Wanda Street, Seaside, CA 93955. (s) Steven Frank Schwartz. This statement was filed with the County Clerk of Monterey County on Sept. 18, 2001. Publication dates: Oct. 5, 12, 19, 26, 2001. (PC1003)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20011826. The following person(s) is(are) doing business as **SUNRISE LANDSCAPE COMPANY**, P.O. Box 221965, Carmel, CA 93922/218 Punta Del Monte, Carmel Valley, CA 93924. **RANDY LEE JORGENSEN**, 218 Punta Del Monte, Carmel Valley, CA 93924. This business is conducted by an individual. Registrant commenced to transact business under the fictitious business name or names listed above on October 15, 2001. (s)Randy Jorgensen. This statement was filed with the County Clerk of Monterey County on Sept. 24, 2001. Publication dates: Oct. 5, 12, 19, 26, 2001. (PC1004)

SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF MONTEREY
ORDER TO SHOW CAUSE FOR CHANGE OF NAME
Case No. M55449.
TO ALL INTERESTED PERSONS: petitioner filed a petition with this court for a decree changing names as follows:
A Present name: **DEBBIE LYNN LEHMAN**
Proposed name: **LINDSEY MICHELLE LEHMAN**
B Present name: **LINDSEY MICHELLE LEHMAN**
Proposed name: **LYNDIE MICHELLE TAYLOR**

THE COURT ORDERS that all persons interested in this matter shall appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted.

NOTICE OF HEARING: Nov. 16, 2001, at 9:00 a.m. The address of the court is 1200 Aguajito Road, Monterey, CA 93940.

A copy of this Order to Show Cause shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: The Carmel Pine Cone, Carmel.

(s) Richard M. Silver
Judge of the Superior Court
Date filed: Aug. 29, 2001.

Publication dates: Oct. 5, 12, 19, 26, 2001. (PC1005)

NOTICE OF APPLICATION TO SELL ALCOHOLIC BEVERAGES. To Whom It May Concern: The name of the Applicant is: **HAWLEY DAVID EDSON**. The applicants listed above are applying to the Department of Alcoholic Beverage Control to sell alcoholic beverages at 121 Crossroads Blvd., Carmel, CA 93923 for the following type of license: 41 ON-SALE BEER AND WINE - EATING PLACE. Date of Filing Application: Oct. 5, 2001.

Publication dates: Oct. 12, 19, 26, 2001. (PC1006)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF MONTEREY

In re the Estate of **RUTH M. KLAUMANN**, Deceased.
Case No. MP-15753

NOTICE TO CREDITORS OF RUTH M. KLAUMANN

Notice is hereby given to the creditors and contingent creditors of the above-named decedent, that all persons having claims against the decedent are required to file them with the Superior Court at 1200 Aguajito Road, Monterey, California 93940, and mail a copy to **CLYDE ROY KLAUMANN**, Successor Trustee of the Clyde P. Kjaumann and Ruth M. Kjaumann Revocable Inter Vivos Trust Agreement dated February 1, 1995, wherein the decedent was one of the Settlers, at 3517 Mesa Court, Carmel, California 93921. If notice is mailed or personally delivered to you, your must file your claim 30 days after the date this notice is mailed or personally delivered to you, or you must petition to file a late claim as provided in Section 9103 of the Probate Code. A claim form may be obtained from the court clerk. For your protection, you are encouraged to file your claim by certified mail, with return receipt requested.

(s) Clyde Roy Kjaumann
as Successor Trustee of the Clyde P. Kjaumann and Ruth M. Kjaumann Revocable Inter Vivos Trust Agreement dated February 1, 1995

Publication dates: Oct. 12, 19, 26, 2001. (PC1008)

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE COUNTY OF MONTEREY

In re the Estate of **CLYDE P. KLAUMANN** Deceased.
Case No. MP-15752

NOTICE TO CREDITORS OF CLYDE P. KLAUMANN

Notice is hereby given to the creditors and contingent creditors of the above-named decedent, that all persons having claims against the decedent are required to file them with the Superior Court at 1200 Aguajito Road, Monterey, California 93940, and mail a copy to **CLYDE ROY KLAUMANN**, Successor Trustee of the Clyde P. Kjaumann and Ruth M. Kjaumann Revocable Inter Vivos Trust Agreement dated February 1, 1995, wherein the decedent was one of the Settlers, at 3517 Mesa Court, Carmel, California 93921. If notice is mailed or personally delivered to you, your must file your claim 30 days after the date this notice is mailed or personally delivered to you, or you must petition to file a late claim as provided in Section 9103 of the Probate Code. A claim form may be obtained from the court clerk. For your protection, you are encouraged to file your claim by certified mail, with return receipt requested.

(s) Clyde Roy Kjaumann
as Successor Trustee of the Clyde P. Kjaumann and Ruth M. Kjaumann Revocable Inter Vivos Trust Agreement dated February 1, 1995

Publication dates: Oct. 12, 19, 26, 2001. (PC1009)

FICTITIOUS BUSINESS NAME STATEMENT File No. 20011935. The following person(s) is(are) doing business as **STYLE THE WORLD**, 11334 Harcourt Ave., Seaside, CA 93955. **ANDREAS S. ADAMS**, 11334 Harcourt Ave., Seaside, CA 93955. This business is conducted by an individual. Registrant commenced to transact business under the fictitious business name or names listed above on October 5, 2001. (s)Andreas Adams. This statement was filed with the County Clerk of Monterey County on Oct. 10, 2001. Publication dates: Oct. 19, 26, Nov. 2, 9, 2001. (PC1011)

PUBLIC NOTICE

On October 1, 2001, New Wave Broadcasting, L.P., licensee of Station KBTU(FM), operating on 101.7 MHz, licensed to Carmel, California filed with the Federal Communications Commission an application for consent to assign the license of Station KBTU to Mapleton Communications, LLC.

The general partner of New Wave Broadcasting, L.P. is New Wave Broadcasting, Inc., and the limited partners are William Douglas, Jon Ferrari, Charles Cohn, Kirk Warshaw, and Brad Dubow. The officers, directors and persons holding 10% or more of the capital stock of New Wave Broadcasting, Inc. that previously mentioned are Generation Capital Partners, L.P., Alta Subordinated Debt Partners III, L.P., Alta Communications VI, L.P., Alta Communications VII, L.P., Alta Communications VIII, L.P., Alta Communications IX, L.P., Alta Communications X, L.P., Alta Communications XI, L.P., Alta Communications XII, L.P., Alta Communications XIII, L.P., Alta Communications XIV, L.P., Alta Communications XV, L.P., Alta Communications XVI, L.P., Alta Communications XVII, L.P., Alta Communications XVIII, L.P., Alta Communications XIX, L.P., Alta Communications XX, L.P., Alta Communications XXI, L.P., Alta Communications XXII, L.P., Alta Communications XXIII, L.P., Alta Communications XXIV, L.P., Alta Communications XXV, L.P., Alta Communications XXVI, L.P., Alta Communications XXVII, L.P., Alta Communications XXVIII, L.P., Alta Communications XXIX, L.P., Alta Communications XXX, L.P., Alta Communications XXXI, L.P., Alta Communications XXXII, L.P., Alta Communications XXXIII, L.P., Alta Communications XXXIV, L.P., Alta Communications XXXV, L.P., Alta Communications XXXVI, L.P., Alta Communications XXXVII, L.P., Alta Communications XXXVIII, L.P., Alta Communications XXXIX, L.P., Alta Communications XL, L.P., Alta Communications XLI, L.P., Alta Communications XLII, L.P., Alta Communications XLIII, L.P., Alta Communications XLIV, L.P., Alta Communications XLV, L.P., Alta Communications XLVI, L.P., Alta Communications XLVII, L.P., Alta Communications XLVIII, L.P., Alta Communications XLIX, L.P., Alta Communications L, L.P., Alta Communications LI, L.P., Alta Communications LII, L.P., Alta Communications LIII, L.P., Alta Communications LIV, L.P., Alta Communications LV, L.P., Alta Communications LVI, L.P., Alta Communications LVII, L.P., Alta Communications LVIII, L.P., Alta Communications LIX, L.P., Alta Communications LX, L.P., Alta Communications LXI, L.P., Alta Communications LXII, L.P., Alta Communications LXIII, L.P., Alta Communications LXIV, L.P., Alta Communications LXV, L.P., Alta Communications LXVI, L.P., Alta Communications LXVII, L.P., Alta Communications LXVIII, L.P., Alta Communications LXIX, L.P., Alta Communications LXX, L.P., Alta Communications LXXI, L.P., Alta Communications LXXII, L.P., Alta Communications LXXIII, L.P., Alta Communications LXXIV, L.P., Alta Communications LXXV, L.P., Alta Communications LXXVI, L.P., Alta Communications LXXVII, L.P., Alta Communications LXXVIII, L.P., Alta Communications LXXIX, L.P., Alta Communications LXXX, L.P., Alta Communications LXXXI, L.P., Alta Communications LXXXII, L.P., Alta Communications LXXXIII, L.P., Alta Communications LXXXIV, L.P., Alta Communications LXXXV, L.P., Alta Communications LXXXVI, L.P., Alta Communications LXXXVII, L.P., Alta Communications LXXXVIII, L.P., Alta Communications LXXXIX, L.P., Alta Communications LXXXX, L.P., Alta Communications LXXXXI, L.P., Alta 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Editorial

Adjusting to new realities

THE FULL scope of the terror attack on the United States is still unknown. This is not only because, with anthrax threatening various parts of the country, some of the terrorists' insidious deeds are still being discovered (or haven't yet been carried out). We also don't yet know how awful the secondary effects of the World Trade Center attack itself will be — whether, for example, the economy will sink into a deep recession that will cost a million or more jobs.

In addition, across the country and here in the Monterey Peninsula, countless other effects of the Sept. 11 events have been felt or are just now occurring.

So if, like the Carmel Bach Festival, you're hoping the tight security we live with will be relaxed by next summer . . . forget about it. If anything, the security will probably be tighter.

At the Presidio, for example, before Sept. 11, there was a lively debate over whether to shut the gates to the DLI. That discussion has disappeared. Those gates are going to stay closed to the public for a long, long time.

Similarly, at the Naval Postgraduate School, public events have been sharply curtailed, impacting several local performing arts groups that have tried to move their programs to King Hall or the Old Hotel Del Monte while Sunset Center is closed for remodeling. With all military bases on heightened security, these groups have been told they'll have to supply — well in advance — the name of each performer and audience member and that everybody will have to show government-issued photo I.D. to be admitted to performances on NPS grounds.

Obviously, nobody can hold a large public event under those conditions.

Carol Richmond of the Carmel Ballet Academy and Dance Kids has wisely — albeit with some difficulty — located alternate venues for her events. On the other hand, the Bach Festival, which is planning most of its major concerts for the NPS next summer, is hoping the restrictions will be eased by then.

That seems impossible, considering the continuous warnings from President Bush that the war against the terrorists will be lengthy, not to mention the stream of new threats emanating from the Taliban and Al-Qaeda that the worst for us is yet to come.

Obviously, from the relative safety of our homes and businesses on the beautiful coast of California, our duty is to support our fellow Americans who have suffered grievous personal losses; to help maintain our nation's resolve to eradicate terrorism; to resume our daily lives (working, shopping, traveling and caring for our loved ones), and to cope, without complaining, with whatever local exigencies arise.

And to the extent this requires a new routine in your life, our advice is to get used to it because the new reality of a vulnerable America is going to be with us for a long, long time.

BATES



Letters to the Editor

'Drop the scare tactics'

Dear Editor,

Anti-incorporation folk don't want Carmel Valley to form its own government because, they say, it would add "an extra layer of government." One wonders if these anti-incorporation folk ever asked residents of the Peninsula's self-governed towns what they (the residents) think of their "extra layer of government."

Because, if self-government isn't best, why aren't the residents of Carmel-by-the-Sea, Pacific Grove, Monterey, and other incorporated Peninsula cities clamoring to take government from themselves and trust it to the Board of Supervisors? Could it be that the residents of the incorporated Peninsula cities have found that government becomes more responsible (better) as it gets closer to home?

By all means, let's have an honest debate about the pluses and minuses of incorporation. But, please, anti-incorporation folk, drop the slogans and the scare tactics.

Otherwise, we'll suspect that what you are really afraid of is having the majority of Carmel Valley's citizens decide for themselves the future of Carmel Valley. Which, keep in mind, is what incorporation is sup-

posed to be all about.

John Dalessio, Carmel Valley

Not an important letter

Dear Editor,

This is not an important letter. Nothing will be solved from understanding its contents. But it is important to me at a time that so much is beyond our understanding. If I came away from anything after the events of 9/11, it was the need for expressions of love in this all too short and unpredictable life.

My story happened at Bruno's as I was backing out of my parking place. Unfortunately so was another shopper and we met in the middle of the lot with a sickening crunch. We both did the responsible thing and got out to survey the damage. I know I was dreading the negative turn my serene Friday afternoon was taking.

"Wanna do the police thing?" I asked. "I think we did pretty good," said she looking at the obvious gash in her lovely car.

With that we hugged and said our good-byes. I hope that anyone seeing two mature women embracing over scraped cars might realize that we were strangers to each other who were part of a random act of kindness and of the serendipity that keeps us all carrying on. And if they didn't see it, perhaps this letter is important after all.

By the way, I did do the responsible thing. I got her license plate number.

It was ARTWORK, and she was one.

In appreciation,

Renee Farrington, Salinas

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DONATI

From page 25A

tion."

But Tipton responded that since Carmel decided the home was not historic after following CEQA environmental guidelines — a decision upheld in court — its demolition could not have a cumulative impact on the character of the community.

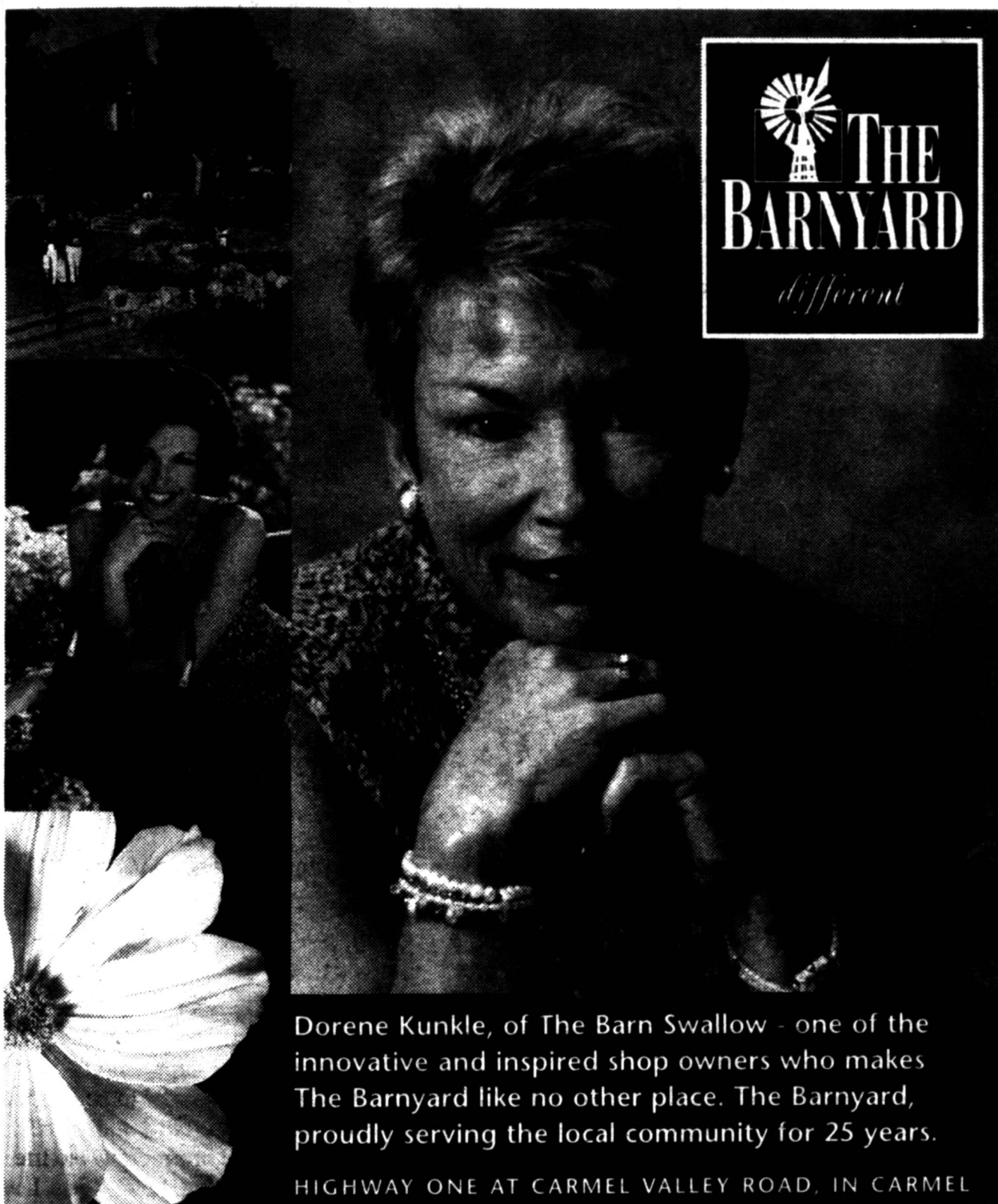
"Where is the illegal activity?" she asked.

Sales also asserted that the city acknowledge the problem when it approved an "urgency ordinance" preventing the demolition of homes more than 50 years old, but Tipton said the sunset of that ordinance soon after showed the city reevaluated the matter and reached a different conclusion. Also, with an EIR in the works, the city is fulfilling its obligations under CEQA, she said.

Both sides are still arguing over how many Carmel homes were eliminated between 1998 and 2000. Sales claimed 170 homes had been destroyed or significantly altered but planning director Chip Rerig made a sworn declaration that 66 were demolished and 104 — classified as "substantial alterations" — included changes as small as replacing skylights. Some remodels were done according to U.S. guidelines for historic properties, he said.

"Since there is no evidence of even one structure designated historic that has been demolished in Carmel, a declaration that Carmel is engaging in an illegal pattern and practice of demolishing historic residences cannot be made as a matter of law," Tipton wrote in her brief.

Fields took the matter under submission and said he will make a ruling soon. He has 90 days to decide.



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HIGHWAY ONE AT CARMEL VALLEY ROAD, IN CARMEL

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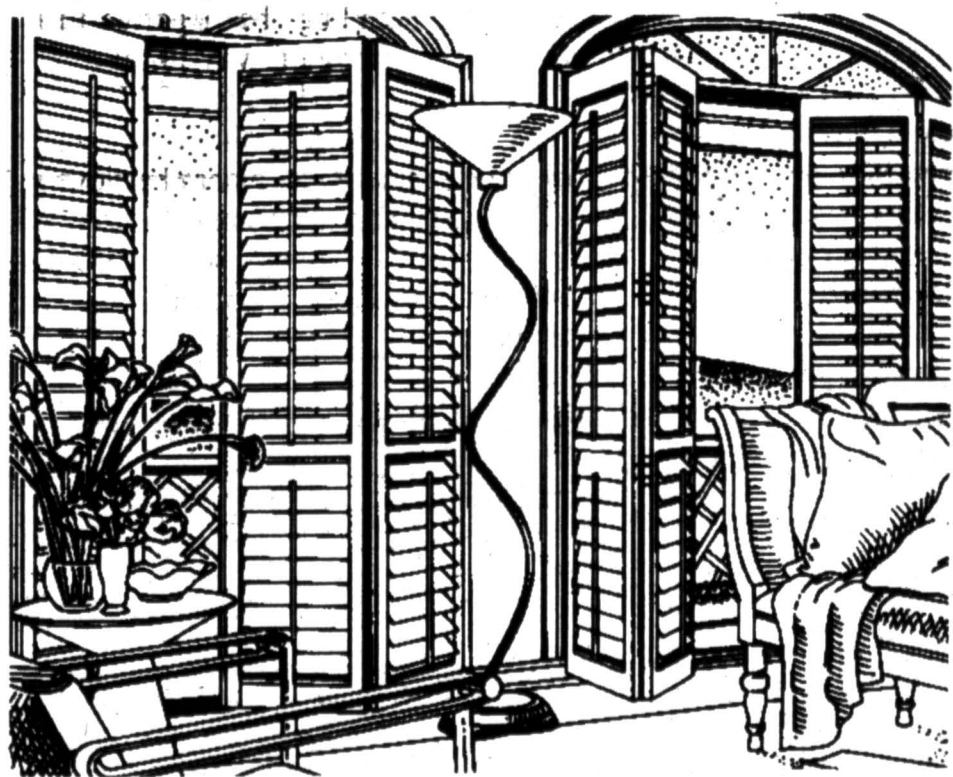


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TOURISTS

From front page

around beach fires. Considering the bulk of beach access is gained at the Del Mar Avenue parking lot, it makes little sense to restrict beach fires in this area. The city needs to develop a beach fire policy that encourages, rather than discourages, these low-cost recreational activities."

Roseth responded that the city's law was

designed to keep fires in areas where the tides would wash the sand clean of charred debris, reduce the risk of igniting the vegetation on the beach bluffs and avoid excessive activity in the sensitive habitat at the north end of the beach.

"We've had that limitation for almost 20 years now, and to my knowledge no one has ever complained about it," Roseth said.

■ The city's laws against creating any new motel units could violate the Coastal

Act, which gives priority to visitor-serving accommodations, according to Watson. "Absent significant and compelling evidence to support the prohibition," Watson wrote, the policy must be eliminated.

■ Requiring visitor-oriented businesses to be located in the central commercial district would violate the Coastal Act unless the city also designates specific areas solely for visitor-serving businesses, or limiting non-visitor-oriented commercial uses, according to Watson.

But economics suggest that more often, resident-serving businesses are pushed out by those catering to tourists, Roseth said.

"We have 32 jewelry stores, more than 75 art galleries, more than 50 restaurants, more than 120 clothing stores, and this is for a town of less than 4,500 people," he said. "You do the math. You can't tell me that we are not providing an abundance of visitor-serving uses."

■ The city's policy giving preferential parking to residents on Scenic Road probably violates the Coastal Act, as would any policy that "restricts public parking, reduces the number of parking spaces and eliminates access to the beach," according to Watson's letter. If the city wants to prohibit overnight parking on Scenic Road, it must "present evidence showing that such restrictions are warranted under the Coastal Act," Watson said.

"The commission basically wants rules that affect access to the coast to be egalitarian, equal for everybody," Roseth said. "So to create special classes of people — those who can park, those who can't — is basically

contrary to their philosophy, and for that to happen there have to be some really good, sound reasons."

To appease the commission, which was poised to penalize Carmel if it did not give up its preferential parking program, the city eliminated the exemption for residents. No one can park on Scenic Road at night for the time being, and the matter will ultimately be decided in the Local Coastal Program.

■ A boardwalk should be built to connect the parking lot at Del Mar with the Scenic Road footpath at Eighth Avenue, according to Watson, to assure "adequate lateral access" along Carmel Beach. The letter does not say why simply walking along the beach is not sufficient "lateral access" under the Coastal Act.

Roseth said the city agrees with some suggestions made by coastal staff — including improving signs along the beach and incorporating other city documents into the Local Coastal Program — but will plead its case for other rules during meetings with coastal staff in the coming months.

"It's not intended for the Coastal Act to undermine or destroy coastal communities, but I think that taken to the extreme, some of the requests of the coastal staff could do that," Roseth said. "After a while the city becomes a stage set for just visitors, and that's what I meant by destroying the town."

"I'm not going to name particular cities, but once you've been to some of them, you know they've just become a commercialized, tawdry shadow of what they used to be."

Roseth acknowledged that coastal staff cannot be expected to know the intricacies of every community up and down the California coast — all the more reason for city planners to be prepared to defend the logic behind many Carmel laws.

"They raise the questions because they have to," he said. "We'll have discussions and convince them we're right."



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APPLICANTS

From page 3A

seven or eight applications for demolitions or substantial remodels within the next few months.

Watson believes that many of those applicants received approval from the city of Carmel for their projects before the city's new design guidelines went into effect. If those people withdraw their applications, they might have to redesign under the new guidelines.

"There are some changes in the guidelines and people want to get their projects approved now," Watson said.

The coastal planner reiterated that the coastal commission is still evaluating demolitions on a case-by-case basis.

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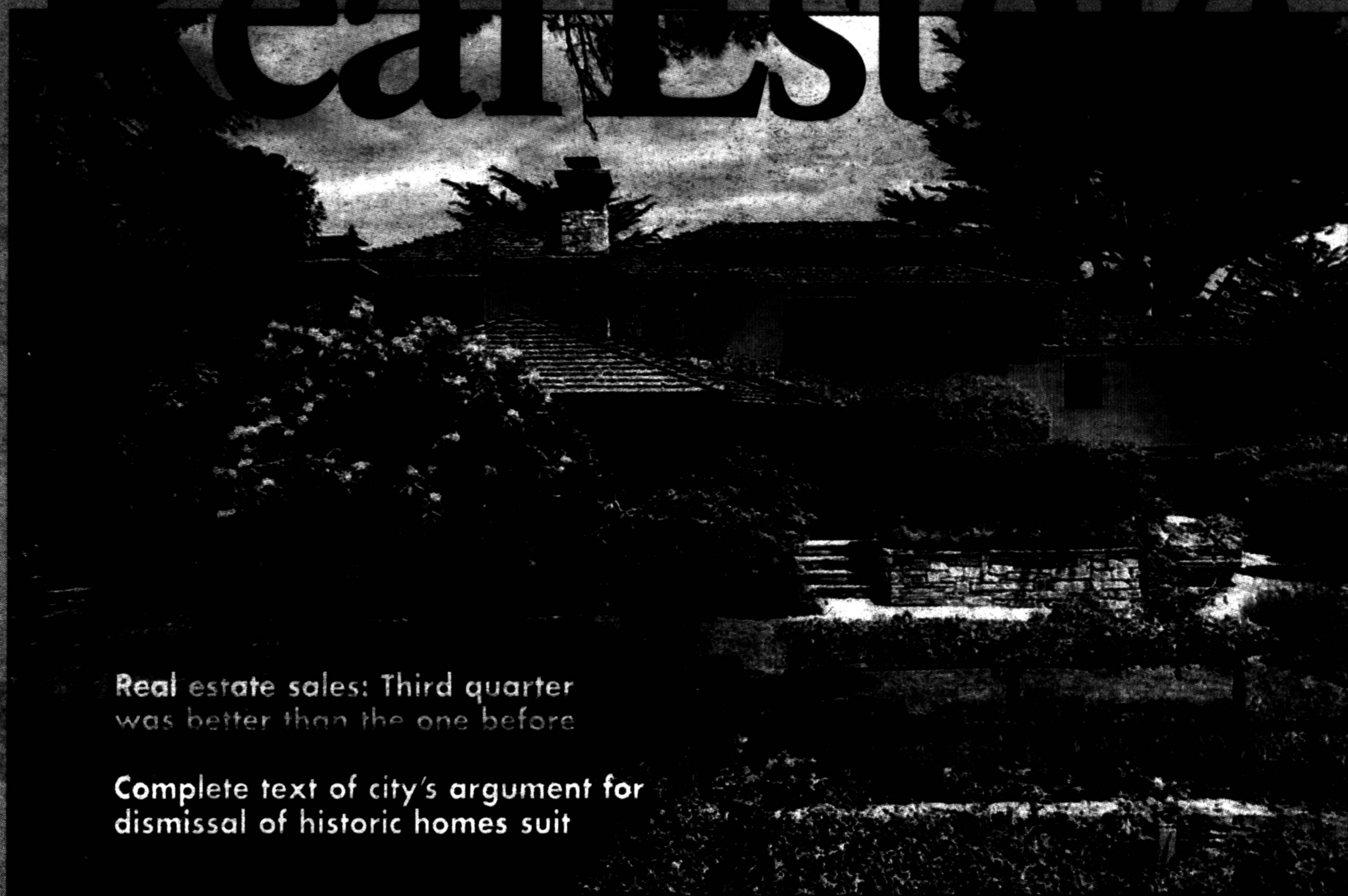
Mission and 7th Avenue, Court Of The Fountains In The Gazebo d Carmel 626-4575

SECTION B ■ October 19 - 25, 2001

More than 180 houses open this weekend!

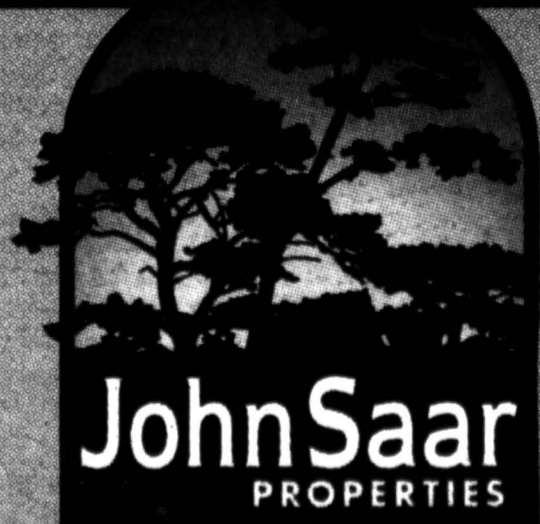
The Carmel Pine Cone

Real Estate



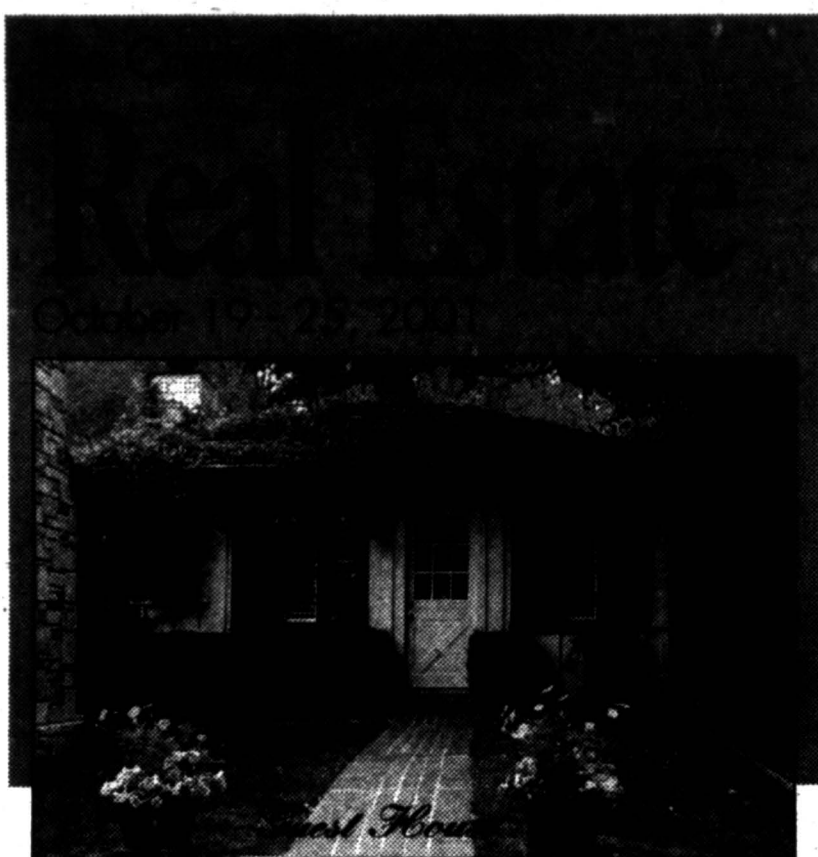
Real estate sales: Third quarter
was better than the one before

Complete text of city's argument for
dismissal of historic homes suit



■ This week's cover
home presented
by Carla White
of John Saar Properties
(see page 2)

About the Cover



COUNTRY ENGLISH ELEGANCE IN CARMEL

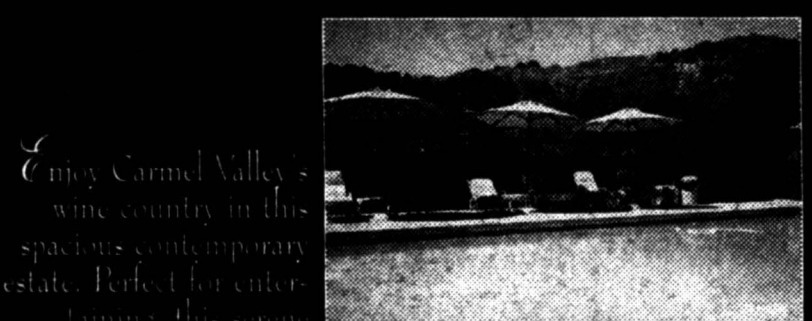
This elegantly regal home of classic architecture is located in the stately Bel Air area of Carmel's Hatton Fields. The newly remodeled 3787 sq. ft. two-story residence and its charming 450 sq. ft. guesthouse are comprised of four bedroom suites, five and 1/2 baths, and four fireplaces. The heart of this home is a wonderful family room with its high vaulted ceilings and bar area. A designer's dream kitchen with its top-of-the-line appliances and butlers pantry which leads out onto one of three private patios for entertaining al fresco or just reflecting. On a spacious quarter of an acre+, this beautifully landscaped property in a very private neighborhood is within walking distance to town. A wonderfully maintained family home where the Holidays would be magical for all!

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retreat is situated on fifteen pastoral acres. The homesite is gated and includes a mature cabernet vineyard, world class pool and spa, and private guest quarters.

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Mike Parley



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REAL ESTATE

Home sales for the week of September 23-29, 2001

CARMEL

24662 Upper Trail \$995,000

Robert Alan Lenz to Duncan Sutherland Jr

24438 San Mateo \$825,000

John W Amos II to Jeffrey & Barbara Stone

San Carlos-13th \$600,000

Craig Krantz to William & Patricia Wilson

1st Av \$640,000

Jeffrey & Barbara Stone to William & Julie Pound

NW corner Casanova & 7th Av \$150,000

Chris R & Cindy W Sedan to H Dale Jr & Patricia C Seal

CARMEL - SOUTH COAST

32694 Coast Ridge Dr \$856,000

Jeffrey August Lucas to Paul S Porch

CARMEL VALLEY

171 Hacienda Carmel \$325,000

Peter Percy to William & Kathryn Boggess

39450 Tassajara \$120,000

Bank of Amador to Barbara Vandervort

1 Paso Hondo \$900,000

T Carrick & Denali

Jordan to Max Keech

10629 Hillside Ln \$880,000

Roy B Dowd to Laura Moore

158 Chaparral Rd \$800,000

Donald A &

Margaret J Pelton to

Richard Hill & Linda

A Averett

13 E Carmel Valley Rd \$530,000

Roger D Evered to

Nancy Jean Hazen

PEBBLE BEACH

None



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Real Estate



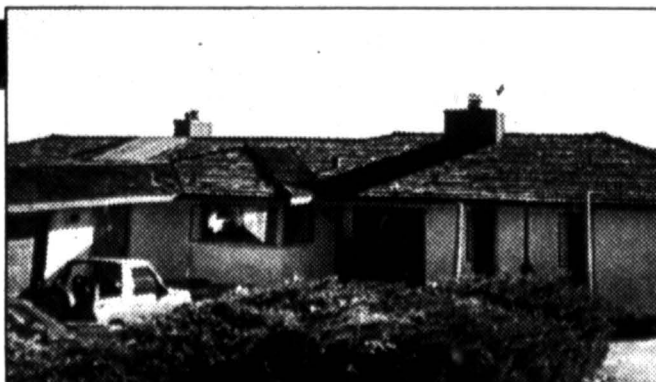
PEBBLE BEACH Golf Course Frontage

Located along the 17th fairway of the Shore Course of the exclusive MPCC in a quiet area of Pebble Beach, this property features a landscaped back yard with lawn, decking, patio and expansive built-in swing set. Completely remodeled in 1995 with new laundry room, state-of-the-art kitchen, hardwood floors, custom lighting & carpet, it features 4 bedrooms, 2.5 baths, living room with vaulted ceilings, family room, dining area and an attached two-car garage. Perfect condition — ready for move in. Reduced to \$1,695,000. **Agent: Jeff Davi (831) 373-2222**

CARMEL VALLEY Los Laureles Grade

"Top of the World..." The large family home is located on over an acre of property. Home was recently repainted. This home has 5 bedrooms, 3.5 baths and includes a family room, dining room, master bath with steam room, open kitchen with wet bar and expansive decking surrounding the property all with a terrific view of the Salinas Valley & the Monterey Coast. Priced to sell \$939,000.

Agent: Jeff Davi (831) 373-2222



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EURICH ON REAL ESTATE

The real estate cycle keeps rolling along.

In buyers' markets, there are a lot of houses for sale, and competition keeps home prices low. Then buyers have an advantage, so it's a great time

for the next home they buy. Owners who sell in a buyers' market may get a slightly lower price, but that translates into a lower price on their next house.

Buyers shouldn't wait for a "favorable" market either. Except for relatively brief periods, housing prices have always trended upward. Recently, median prices of homes were appreciating nationally at a rate more than 7% higher than at the same interval during the previous year.

So people who postpone buying will miss precious time enjoying their new home, and they'll also miss the appreciation that takes place in the home's value. That's why the best time to buy or sell a home is usually now.

As a real estate professional, I'm dedicated to helping you to meet your real estate goals in any way I can. If you need real estate information or assistance in selling your existing home or finding a new home, please call me at 831-622-4875. There's no obligation for a consultation.

Walter Eurich, GRI, CRS, is an Associate Broker with The Mitchell Group, 200 Clocktower Place Suite 100D, Carmel.



Walter Eurich

Don't wait, appreciate!

to buy a home. But eventually the inventory of houses falls and there are fewer houses for sale. The cycle swings into a sellers' market, and sellers have more customers. Home values go up and sellers find they can raise their prices.

So should buyers wait for a buyers' market — and sellers wait for a sellers' market?

No, they should not.

Most sellers immediately turn into buyers themselves, and those who sell for a high price generally pay a correspondingly higher price



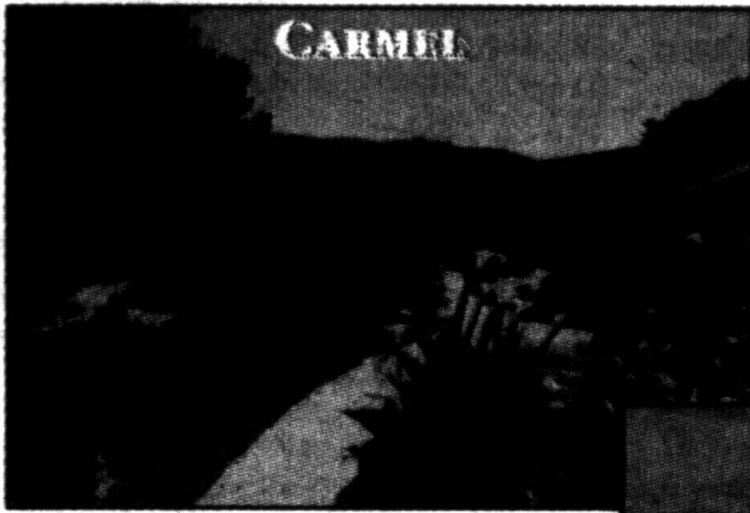
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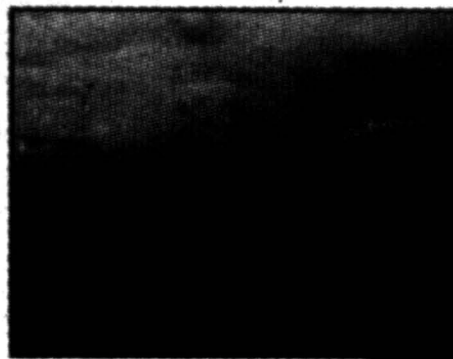
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Ocean View Properties

Spectacular views of Point Lobos, The Fish Ranch and Valley from this elegant three bedroom, three and one half bath home. Large great room with pine floors and raised hearth fireplace, fabulous kitchen, lots of windows and vaulted ceilings. French doors open from the master suite to ever-blooming gardens and a sunny view deck. Separate guest quarters plus a two-car garage.



\$2,350,000



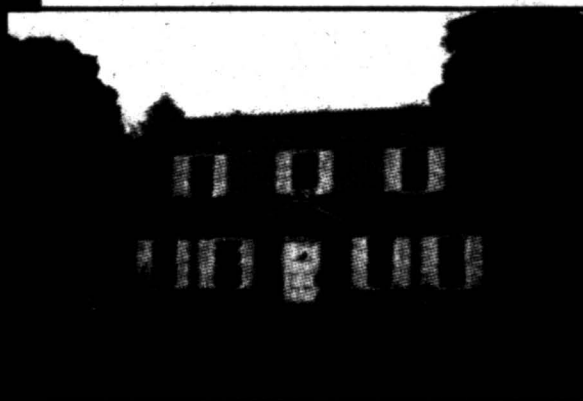
This house has it all! Incredible ocean or garden views from every room. Large master suite, huge sun/view deck,

hardwood floors, marble entry, wet bar, formal dining room, separate living room, office and attention to detail make this house a true estate. Manicured

\$1,975,000

gardens and a flat usable private backyard.

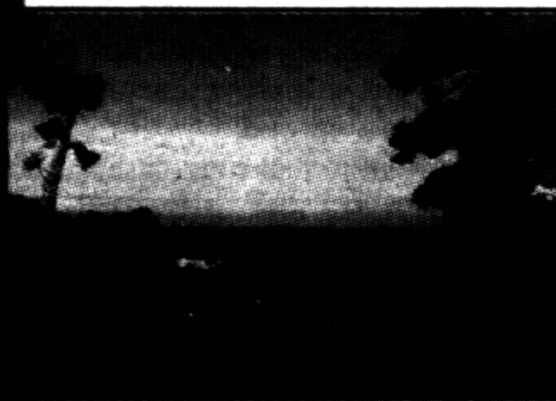
CARMEL HIGHLANDS



PACIFIC GROVE—Incredible Pacific Grove landmark property! This classic Colonial style three bedroom, two and one half bath home has been tastefully updated and exudes all the charm of yesteryear. Sitting on just over 1/4 of an acre, beautiful garden areas, built in BBQ, and covered patio area are perfect for entertaining. Separate 467 sq. ft. guest area with full bath. A must see.

\$1,475,000

646-2120



MONTEREY—Views, views, views...white water and ocean across the bay to Santa Cruz. Two legal lots, one oversized with a post adobe home with the feeling of Big Sur, right in the heart of everything. Secret patio with greenhouse, outbuilding/artist studio in the large front yard. One bedroom and one bath but room to add on or build a guest house. A very unit property!

\$695,000

646-2120

CARMEL—Located on a quiet cu-de-sac in sunny Mission Fields, this home represents the finest example of quality craftsmanship around. With four bedrooms and three baths, this home offers a large gourmet kitchen, vaulted ceilings, bay windows, formal entry, limestone bathroom and a two-car garage. Beautiful landscaped yards with tile patios and barbecue area. Short walk to Carmel Mission, shops and beach.

\$995,000

624-0136



CARMEL HIGHLANDS—Located above the Highlands Inn, this four bedroom and three and one half bath home enjoys filtered ocean views from the expansive decks on both floors. In move-in condition, this 2,800 sq. ft. home offers cathedral ceilings upstairs with beautiful cedar paneling, three fireplaces, spacious rooms, new carpet and freshly painted exterior. An absolute great buy!

\$775,000

624-0136



CARMEL VALLEY—This five acre property features a four bedroom, four and one half bath country farmhouse with a state of the art kitchen, wide plank wooden floors, four fireplaces, and a three car detached garage. Each room has mountain and valley views. In addition to the gracious main residence, there is a separate two bedroom, one bath guesthouse, a freestanding wine cellar, a barn, stalls, tack room and pasture area.

\$3,850,000

659-2267



PEBBLE BEACH—Golfers or large families—this one is for you! Offered completely furnished, this spacious two story, five bedroom, four bath home is ready for you to move in today. The home features a living room with fireplace, separate dining room, breakfast bar, den/study, deck with hot tub and a two car garage. A great opportunity, in turn-key condition.

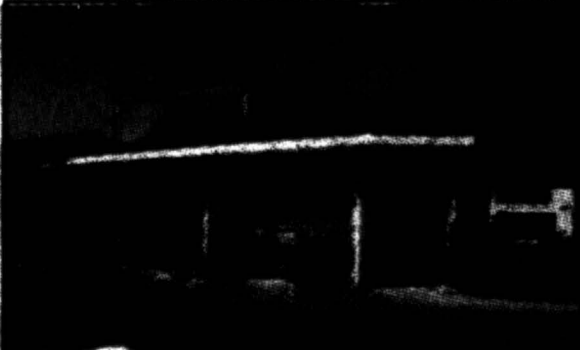
\$1,250,000

624-0136

CARMEL—Best value in all of Carmel! A friendly neighborhood located in sunny Mission Fields, close to all amenities -- shops, Carmel Mission, beach and Carmel River, middle and high school. Gorgeous private rear yard, fully fenced and landscaped with sprinklers. Remodeled bathrooms, new 40-year roof, hardwood floors and updated appliances. Furniture negotiable.

\$549,000

624-0136



CARMEL VALLEY—Rare opportunity to acquire a vineyard near Carmel Valley Village! Beautiful oak-studded site perfect for a large main house overlooking the lush Cabernet Sauvignon and Pinot Chardonnay vineyards. For the historian, the site was known as the "Rancho Carmelo Dude Ranch" and, at one time, a stop for the "Tassajara Stage Coach". A piece of heaven and history awaits you.

\$1,750,000

659-2267



CARMEL VALLEY—A fabulous home, on an oak-studded one and one-half acre parcel, bathed in sunshine all day long, with views of the Valley and Ranch San Carlos. Located on a quiet, little known cul-de-sac off Brookdale, this four bedroom, two bath home, with white-washed wood floors and big windows and skylights everywhere, is light and bright throughout. Casual elegance abounds. This one won't last!

\$1,195,000

624-0136

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Home market holds ground despite national crisis



House Talk

By Paul & Nellie Brocchini

3rd quarter report

AT THE END of the second quarter we reported transactions had plummeted and prices had reached record high levels. During that quarter the number of transactions fell by

40 percent. The third quarter of 2001, like the second, was off from last year but not as much. Last year the 10 Peninsula markets recorded 328 transactions in July, August and September: this year, 247. The decline was 24.7 percent, large but not nearly the 40 percent drop we recorded in the second quarter. The volume of transactions seems to have leveled off. As of this writing we do not know how the events of Sept. 11 will affect us. The impacts, if any, won't be known for months.

We remain sanguine. We have always had the best place to live, and we look even better now. Why shouldn't many people want to join us?

Market barometer

Our Market Barometer, which measures the percentage of listings that are under contract or in escrow, continues to sink. Only Seaside, Carmel Valley and Monterey were up.

Seaside had a strong reading with more than 37 percent of the listings in escrow. Seaside is a town in transition. The market is strong, and prices continue to rise as more professionals move in.

The only other market to hit the 20 percent level, our classic number of a good market, was the Salinas - Monterey Highway. The Barometer is the best tool we have for looking ahead. At present, Seaside is the strongest going forward followed by Salinas - Monterey Highway, Carmel Valley,

Marina, Pacific Grove and Monterey. Prices soften

Prices have begun to soften in the high-ticket markets of Carmel, Pebble Beach and South Coast. Carmel, after shattering previous highs with a median sales price of \$1,150,000 in the second quarter, fell to \$825,000 in the third quarter. The \$825,000 median sales price was also off from last year's third quarter figure of \$910,000.

Another price gauge for Carmel is the percentage of million-dollar-plus sales. In the second quarter 59 percent of the sales were over one million dollars. In the third quarter the percentage dropped to 40 percent (18 of 45) — down, but still amazingly strong.

The median sales price in Pebble Beach fell under a million to \$925,000 on 19 transactions. Although these numbers are down from the peaks, they are still robust and show no sign of collapse. There are buyers in the wings waiting for a blood bath that they are not going to get.

Dollar volume

Here we get a chance to speak out of both sides of our mouths. Dollar volume is both up and down. Last year the third quarter volume on the Peninsula was \$262,919,000; this year \$206,056,000. During the second quarter, however, dollar volume was only \$170,459,000, so the third quarter showed a substantial gain over the second. This is just the opposite of last year when the third quarter was well off the second.

We do not want to make any lasting conclusions out of all of this, as the market is always an animated entity. What does seem certain, however, is that the market is doing a lot better than one might have expected after the incredible boom of the past few years.

Booms are always followed by corrections. The correction in the securities markets has been brutal. Monterey Peninsula real estate, on the other hand, though down has proven to be resilient.

Our fundamentals are solid. We have little area for new housing, we have a great place to live and the baby boomers, the largest age group in the country, are buying our properties for both second and retirement homes.

Monterey Peninsula Gross Dollar Volume		
	3rd Qtr 2000	3rd Qtr 2001
Carmel	\$57,548,000	\$58,331,000
Carmel Valley	\$24,184,000	\$17,028,000
Del Rey Oaks	\$1,554,000	2,333,000
Marina	\$8,562,000	\$7,669,000
Monterey	\$21,935,000	\$9,977,000
Pacific Grove	\$27,081,000	\$17,917,000
Pebble Beach	\$53,388,000	\$36,968,000
Salinas Highway	\$23,415,000	\$37,496,000
Seaside	\$11,927,000	\$11,991,000
South Coast	\$33,325,000	\$9,346,000
Total	\$262,919,000	\$209,056,000

Sales by Quarter - Seven Quarter Review							
Town	1st Qtr 2000	2nd Qtr 2000	3rd Qtr 2000	4th Qtr 2000	1st Qtr 2001	2nd Qtr 2001	3rd Qtr 2001
Carmel	87	69	48	55	38	37	45
Carmel Vly	31	44	37	20	19	21	21
Del Rey Oaks	3	1	4	2	4	1	5
Marina	26	30	27	26	24	25	20
Monterey	36	45	39	41	27	30	21
Pacific Grove	47	56	47	44	26	30	28
Pebble Beach	45	37	30	24	20	9	19
Salinas Hwy	35	52	39	39	28	34	47
Seaside	30	43	44	31	32	45	35
South Coast	13	17	13	13	5	4	6
	353	394	328	295	223	236	247

Distribution of Sales - 3rd Quarter 2001							
Town	Under \$200 \$200-\$299 \$300-\$399 \$400-\$499 \$500-\$599 \$600-\$699 One+ Mln						
	\$200	\$299	\$399	\$499	\$599	\$699	Mln
Carmel	0	0	0	1	6	20	18
Carmel Valley	0	0	0	2	2	14	3
Del Rey Oaks	0	0	2	2	0	1	0
Marina	0	1	12	7	0	0	0
Monterey	0	0	5	10	3	3	0
Pacific Grove	0	0	3	9	4	10	2
Pebble Beach	0	0	0	0	0	10	9
Salinas Hwy	1	2	5	8	8	12	11
Seaside	2	10	15	7	1	0	0
South Coast	0	0	0	0	0	3	3
	3	13	42	46	24	73	46

Median Sales Price Comparisons			
	Full Yr 2000	3rd Qtr 2000	3rd Qtr 2001
Carmel	\$900,000	\$910,000	\$825,000
Carmel Valley	\$670,000	\$630,000	\$835,000
Del Rey Oaks	\$365,000	\$393,000	\$443,000
Marina	\$290,000	\$295,000	\$382,500
Monterey	\$489,000	\$497,000	\$449,000
Pacific Grove	\$510,000	\$524,000	\$550,000
Pebble Beach	\$987,250	\$1,028,750	\$925,000
Salinas Highway	\$510,000	\$487,000	\$598,000
Seaside	\$255,779	\$255,390	\$339,000
South Coast	\$1,292,500	\$1,295,000	\$1,085,000

Paul & Nellie Brocchini are real estate agents with Coldwell Banker Del Monte Realty Company in Carmel and are regular contributors to The Pine Cone. They can be reached at the Carmel office at 626-2221 or 622-4642 or by email at paulnel@carmelabodes.com.

MARKET BAROMETER Five Quarter Review Hottest to Coldest Market Third Quarter 2001 (In Descending Order)

In Escrow		
Date	vs. Listings	Percent
Seaside		
10/01/01	28/75	37.33
07/01/01	22/77	28.57
04/01/01	37/63	58.73
01/01/01	24/53	45.28
10/01/00	19/54	35.19
Salinas/Mty Highway		
10/01/01	23/115	20.00
07/01/01	29/111	26.13
04/01/01	25/90	27.78
01/01/01	19/46	41.30
10/01/00	28/64	43.75
Carmel Valley		
10/01/01	21/106	19.81
07/01/01	14/96	14.58
04/01/01	8/61	13.11
01/01/01	11/44	25.00
10/01/00	10/54	18.51
Marina		
10/01/01	11/56	19.64
07/01/01	10/47	21.28
04/01/01	18/31	58.06
01/01/01	7/18	38.89
10/01/00	13/29	44.83
Pacific Grove		
10/01/01	15/82	18.29
07/01/01	18/87	20.69
04/01/01	15/60	25.00
01/01/01	14/42	33.33
10/01/00	20/51	39.22
Monterey		
10/01/01	17/94	18.09
07/01/01	8/77	10.39
04/01/01	21/60	35.00
01/01/01	13/48	27.08
10/01/00	25/74	33.78
Del Rey Oaks		
10/01/01	1/8	12.50
07/01/01	3/9	33.33
04/01/01	1/2	50.00
01/01/01	2/4	50.00
10/01/00	2/4	50.00
Carmel		
10/01/01	16/139	11.51
07/01/01	30/146	20.55
04/01/01	25/121	20.66
01/01/01	21/56	37.50
10/01/00	35/98	35.71
Pebble Beach		
10/01/01	9/85	10.59
07/01/01	18/81	18.52
04/01/01	5/56	8.93
01/01/01	14/52	26.92
10/01/00	19/62	30.65
South Coast		
10/01/01	3/32	9.38
07/01/01	5/37	13.57
04/01/01	6/35	17.14
01/01/01	5/27	18.52
10/01/00	11/34	32.35



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	Rate %	APR	Points	Rate %	APR	Points	Rate %	APR	Points	Min %	Index	Margin	Rate %	APR	Points
First National Bank 800-832-2223	6.875	7.036	1.00	7.25	7.375	1.00		CALL	FOR	RATES			N/A	N/A	N/A
RDC Company 888-590-LOAN	6.00	6.277	2.00	5.875	6.011	1.00	N/A	N/A	N/A	N/A	N/A	N/A	5.375	6.642	2.25
Monterey County Bank 649-4600	7.00	7.05	0.00	7.25	7.30	0.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

All Rates have been supplied by the lenders prior to publication, are subject to change, and do not constitute a commitment to lend.

Dismissal sought: text of Carmel's reply to Sales' legal brief

Editor's note: Last week, the City of Carmel-by-the-Sea asked a Monterey County Superior Court judge to dismiss one of Enid Sales' lawsuits against the city alleging that its historic buildings have been demolished "non-stop." The city responded that Sales didn't produce any evidence that, under California law, even one historic building has been demolished in the city. A story about the lawsuit appears on page 1A. Following is the complete text of Carmel's reply to Sales' most recent allegations.

Superior Court of the State of California
County of Monterey
Friends of Carmel Cultural Heritage and Enid Sales, Petitioners
vs.
City of Carmel-by-the-Sea and the City Council of the City of Carmel-by-the-Sea, Respondents
City's Reply to Petitioners' Opposition to Carmel's Motion for Summary Judgment
Memorandum of Points and Authorities

1. Petitioners failed to exhaust their administrative remedies

Petitioners acknowledge that the doctrine of exhaustion of administrative remedies precludes judicial review of issues, legal and factual, which were not first presented at the administrative agency level. Petitioners claim they have exhausted their administrative remedies by citing conclusory arguments they raised during the administrative hearings on the Donati matter that Carmel was not considering the cumulative impact of demolitions in accordance with CEQA. Petitioners contend that the mere raising of this issue during these administrative hearings is enough to exhaust their administrative remedies and that "no more is required." Carmel disagrees. What was required was a decision by Carmel regarding the cumulative impact issue. There is no decision in the record because Carmel never deliberated on this issue nor reached a decision on it during the Donati administrative process. This is exactly the type of administrative decision-making that the exhaustion doctrine protects. To ask a court to intervene before the lead agency has had an opportunity to decide the issue violates the exhaustion doctrine.

Petitioners admit in their opposition that Carmel must first be given the right to evaluate and decide on this broad issue when petitioners note Carmel has commissioned preparation of a program EIR which was published in draft form on September 7, 2001. Clearly, when Carmel did undertake to deliberate and decide the broader cumulative impact issue, Carmel acted upon it by making a decision to perform a program EIR. Petitioners concede if the EIR adequately addresses cumulative impacts the issues in this case become moot. The fact that petitioners' admit that a remedy is "already in hand" based on the city's draft program EIR means petitioners concede this case is moot, providing an alternative ground for dismissal. Lastly, petitioners claim that until the program EIR is certified, all demolitions in the meantime must be stayed. Plaintiff has not asked for a stay of demolitions in their writ petition and cannot summarily ask for it in an opposition to a motion for summary judgment brought by the city (much in the way they cannot ask for summary judgment in their favor since they are not the moving party).

2. Petitioners have produced no factual evidence to refute the undisputed fact that Carmel is not engaging in a pattern and practice of illegal activity in connection with demolitions in the city

"A defendant or cross-defendant has met his or her burden of showing that a cause of action has no merit if that party has shown that one or more elements of the cause of action, even if not separately pleaded, cannot be established, or that there is a complete defense to that cause of action. Once the defendant or cross-defendant has met that burden, the burden shifts to the plaintiff or cross-complainant to show that a triable issue of one or more material facts exists as to that cause of action or a defense thereto. The plaintiff or cross-complainant may not rely upon the mere allegations or denials of its pleadings to show that a triable issue of material fact exists but, instead, shall set forth the specific facts showing that a triable issue of fact exists as to that cause of action or a defense thereto." Code of Civil Procedure section 437c(o)(2). (Emphasis

added).

In the remaining cause of action for declaratory relief, petitioners "posit" that Carmel is engaged in an illegal pattern and practice of approving demolition of innumerable historic and cultural resources without first preparing an EIR pursuant to CEQA and asks this court to make a declaration to that effect. Based on plaintiff's opposition to Carmel's Motion for Summary Judgment/Adjudication, it has become even more clear that petitioners have absolutely no evidence to support any theory that Carmel has in fact engaged in an "illegal pattern and practice" in approving demolitions in the city.

The opposition is replete with conclusory accusations of this purported illegal pattern and practice, but petitioners have not set forth one iota of evidence which demonstrates that Carmel has ever approved one single demolition "illegally" in the context of CEQA. Petitioners make broad and conclusory allegations that "scores" of residential demolitions have been approved without the benefit of an EIR; that Carmel is engaging in a "non-stop demolition parade"; that Carmel is engaged in "successive waves of demolitions"; that Carmel has a "pro-demolition stance"; that there have been "escalating demolitions" in Carmel; and that "waves of demolitions are decimating the community's cultural and historic resources." Where is the factual evidence to support these broad accusations that Carmel is engaged in an "illegal pattern and practice" of allowing demolitions in violation of CEQA? These are mere conclusory allegations unsupported by any facts.

The "evidence" petitioners set forth to support these conclusory allegations falls woefully short of establishing any illegal activity on the part of Carmel. Looking at it as sequentially presented, petitioners first quote comments submitted by the California Coastal Commission and made by State Historic Preservation Officer Cheryl Widell during the Donati hearing wherein Carmel was asked to evaluate the proposed project in terms of its cumulative impact on the overall community character of Carmel. The cumulative impact, consistent with CEQA, of demolition of the Donati structure was considered by Carmel. Carmel found that since the structure itself was not of historical significance, its demolition would not have a cumula-

tive impact on the character of the community. Where is the illegal activity?

Petitioners next state the California Coastal Commission has "repeatedly expressed concern about the cumulative environmental impacts of Carmel's non-stop demolition parade." Where is the evidence to support this? How does this statement, assuming it is accurate, translate into Carmel engaging in illegal activity?

Petitioners cite from the record comments made by councilmembers Livingston and Hydorn regarding their concern of Carmel's eroding character as a result of the demolition of older structures. These are mere opinions which align with the argument petitioners make, but these broad conclusory statements are not supported by facts — not even one tangible example of an historic or culturally significant structure that was allegedly illegally demolished in the city is presented in this case. Finally, petitioners' mention of the "urgency ordinance" that was adopted in April 2000 does not establish a pattern and practice of illegal activity. The urgency ordinance acknowledged that older cottages in the city were being replaced by newer, larger homes and that this transformation and loss of historic and potentially historic resources threatened the character and well-being of the community. At the time of the urgency ordinance, Carmel was following its current laws in reviewing demolition applications for historic or potentially historic buildings in accordance with CEQA.

It is important to note that the urgency ordinance was drafted at a time when the city was attempting to block any further lawsuits against it and its residents which were being filed against them by petitioners. This broad statement made in the urgency ordinance constitutes a reflection of council deliberations and decision-making at that time. To the extent this resolution was allowed to expire on its own terms within a short period of time is also a reflection of the

See DISMISS page 8B



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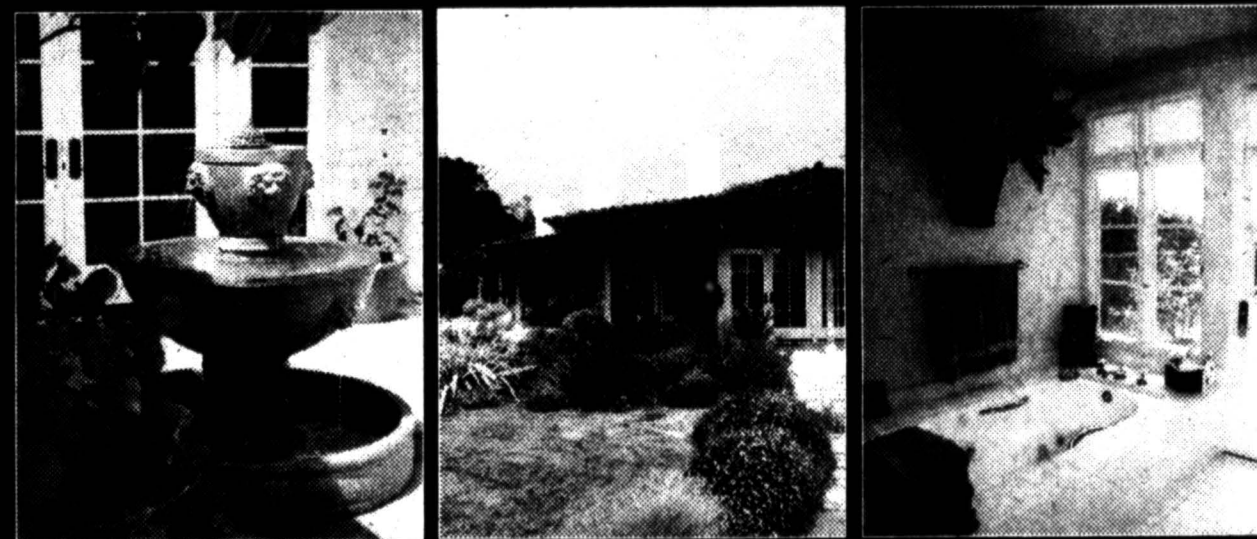


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\$519,000 2bd 2ba Su 1-3:30
24501 Via Mar Monte #76 Carmel
Coldwell Banker Del Monte 626-2222

\$525,000 1bd 1ba Sa 1-3
3 NW Lobos & 1st Carmel
Burchell House Properties 624-6461

\$565,000 2bd 2ba Sa 1-3
Junipero 4 NE 3rd Carmel
Fouratt-Simmons 624-3829

\$625,000 2bd 2ba Su 1-3
NE Cor San Carlos & 8th Ave #9 Carmel
Mitchell Group 624-0136

\$629,000 3bd 2.5ba Sa 3-5 Su 1-3
25138 Highway One Carmel
John Saar Properties 915-6884

\$629,000 2bd 2.5ba Su 1-3
Junipero & 11th SE Cor Carmel
Coldwell Banker Del Monte 626-2223

\$650,000 3bd 2ba Su 2-4
25665 S Carmel Hills Dr Carmel
Coldwell Banker Del Monte 626-2221

\$674,500 3bd 2ba Su 2-4
25900 Via Carmelita Carmel
Coldwell Banker Del Monte 626-2222

\$685,000 2bd 2ba Su 1:30-4:30
Santa Rita 5 SE of 2nd Carmel
Alain Pinel Realtors 622-1040

\$749,000 2bd 2ba Sa 12-3
Vizcaino / 9 SW Mountain View Carmel
Carmel Realty 624-6482

\$749,000 3bd 2ba Su 2-4
3662 Lazzaro Dr Carmel
Mitchell Group 624-0136

\$785,000 3bd 2ba Su 2-4
Dolores 3 SE of 2nd Carmel
Coldwell Banker Del Monte 626-2221

\$785,000 3bd 2ba Sa 1-4
Santa Rita 2 NW of 3rd Carmel
Alain Pinel Realtors 622-1040

\$859,000 3bd 2ba Su 12-3
5th Ave 3 SE of Perry Newberry Carmel
Coldwell Banker Del Monte 626-2222

\$895,000 2bd 2ba Su 1-4
2691 15th Ave Carmel
Alain Pinel Realtors 622-1040

\$899,000 3bd 2ba Sa 1:30-3:30
Guadalupe 6 NE of 6th Carmel
Coldwell Banker Del Monte 626-2222

\$922,000 2bd 1ba+g+st ha Su 1-3
25960 Junipero Carmel
Coldwell Banker Del Monte 626-2222

\$925,000 3bd 2ba Sa & Su 2-4
2805 Ribera Rd Carmel
Coldwell Banker Del Monte 626-2222

\$925,000 3bd 2ba Su 1-4
Torres 5 SE of 9th Carmel
Coldwell Banker Del Monte 626-2222

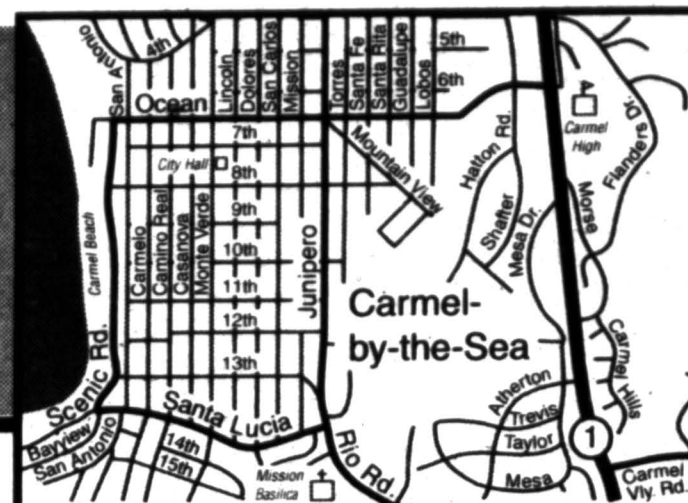
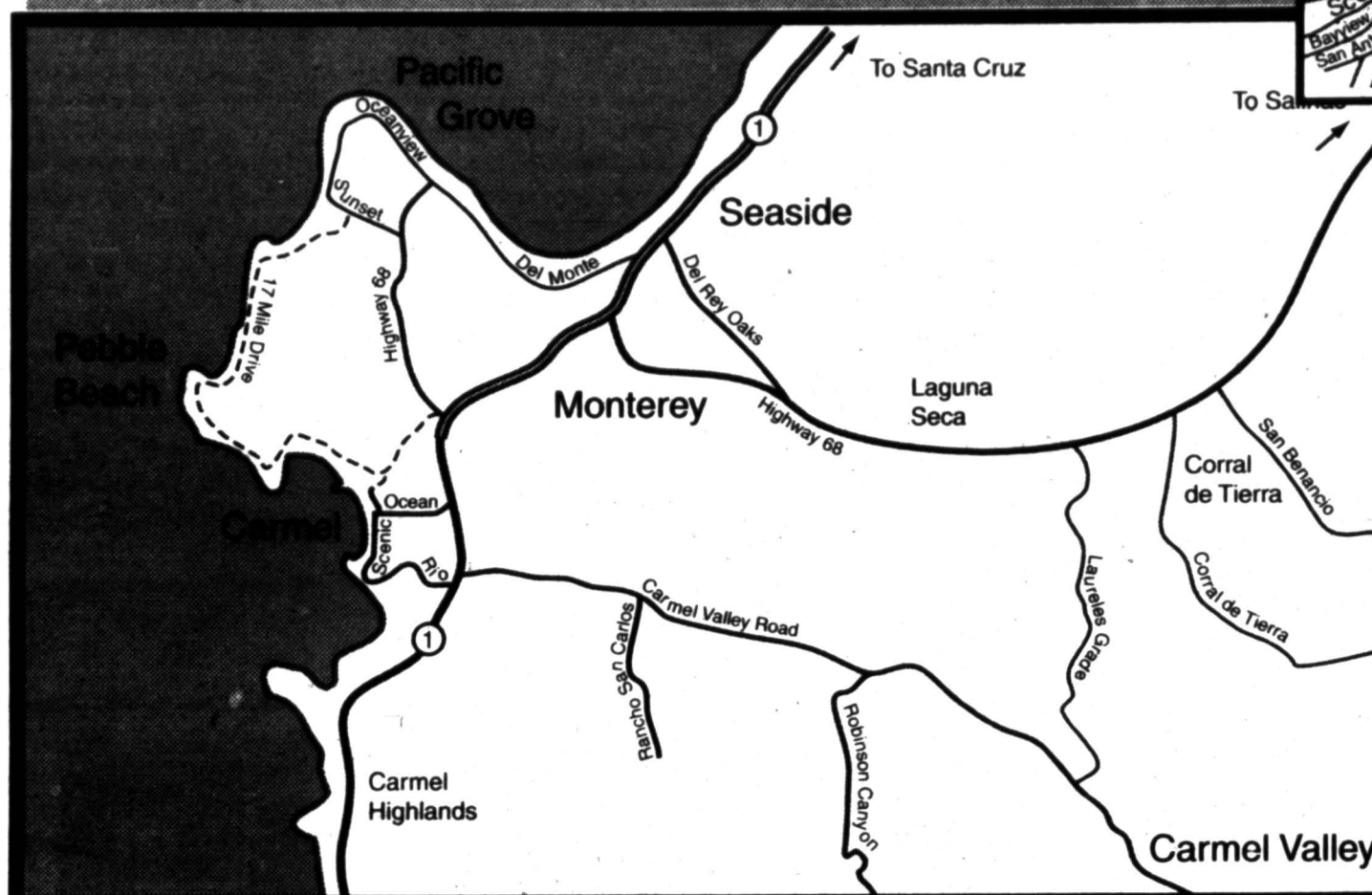
\$939,000 3bd 2.5ba Su 2-4
NW Cor Atherton & Rio Rd Carmel
Mitchell Group 624-0136

\$950,000 6 new condos Sa 12-3
Cor of Junipero & 4th Ave Carmel
Ben Heinrich Real Estate 626-2434

\$995,000 3bd 1.5ba Su 1-4
Mission & 12th NE Cor Carmel
Coldwell Banker Del Monte 626-2222

\$995,000 3bd 2ba Su 1-4
San Carlos 2 NE of Camino Del Monte Carmel
Coldwell Banker Del Monte 626-2222

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\$1,025,000 2bd 2ba Sa Su 12-3
Junipero 3 NW of 1st Carmel
Alain Pinel Realtors 622-1040

\$1,095,000 2bd 2.5ba Sa 2-4
3205 Camino Del Monte Carmel
Alain Pinel Realtors 622-1040

\$1,139,000 2bd 2ba Su 2-4
Guadalupe 2 SW of Ocean Carmel
Mitchell Group 624-0136

\$1,150,000 3bd 2.5ba Sa & Su 2-4
24342 San Juan Rd Carmel
Coldwell Banker Del Monte 626-2222

\$1,150,000 3bd 3ba Su 12-1:30
27743 Upper Trail Carmel
Coldwell Banker Del Monte 626-2225

\$1,150,000 4bd 3ba Sa 1-4
4th Ave 2 SE of Torres Carmel
Alain Pinel Realtors 622-1040

\$1,200,000 3bd 2ba+g+st ha Su 1-3
Forest 3 NW of Mountain View Carmel
Coldwell Banker Del Monte 626-2221

\$1,295,000 3bd 3ba Sa 10-12
Mission 8 NE of 10th Carmel
San Carlos Agency, Inc. 624-3846

\$1,395,000 3bd 2ba Su 1-4
Lincoln 3 SE of 1st Carmel
Alain Pinel Realtors 622-1040

\$1,495,000 9bd 6.5+office Sa & Su 1-4
Century 21 Carmel
Century 21 625-3550

\$1,495,000 3bd 2ba Sa 12-3 Su 1-4
24304 San Juan Carmel
Alain Pinel Realtors 622-1040

\$1,595,000 2bd 2ba Su 2-4
Camino Real 6 SE of 12th Carmel
Mitchell Group 624-0136

\$1,595,000 3bd 3ba Su 2-4
2998 Franciscan Way Carmel
Coldwell Banker Del Monte 626-2222

\$1,595,000 3bd 3ba Su 1-3
Lincoln 2 SE of 12th Carmel
San Carlos Agency, Inc. 624-3846

\$1,650,000 3bd 2ba Sa & Su 1-4
Mission & 13th SW Cor Carmel
Mitchell Group 624-0136

\$1,650,000 4bd 3.5ba Su 1-4
2993 Cuesta Way Carmel
Carmel Realty 624-6482

\$1,680,000 3bd 2ba Sa & Su 1-4
NE Cor 8th & Carmelo Carmel
Coldwell Banker Del Monte 626-2222

\$1,695,000 3bd 2ba Su 2-5
Torres 2 SE of 2nd Carmel
Alain Pinel Realtors 622-1040

\$1,695,000 4bd 3ba Su 1-3
3623 Eastfield Rd Carmel
Mitchell Group 624-0136

\$1,750,000 3bd 3ba Sa & Su 1-4
Junipero 3 NW of Vista Carmel
Alain Pinel Realtors 622-1040

\$1,780,000 2bd 2ba Sa 2-4
San Carlos 4 NE of 11th Carmel
Coldwell Banker Del Monte 626-2221

\$1,795,000 3bd 4ba Sa & Su 2-4
2496 San Antonio Ave Carmel
Coldwell Banker Del Monte 626-2222

\$1,895,000 3bd 2ba Su 2-4
Lincoln 3 NW of 10th Carmel
Mitchell Group 624-0136

\$1,950,000 4bd 2.5ba Sa 1-7 Su 1-4
26255 Isabella Carmel
Alain Pinel Realtors 622-1040

\$1,995,000 3bd 3ba Su 2-4
Lincoln 3 NE of 10th Carmel
Coldwell Banker Del Monte 626-2222

\$1,995,000 3bd 3ba Su 3-5
23865 Fairfield Place Carmel
Coldwell Banker Del Monte 626-2222

\$1,995,000 3bd 3ba Su 2-4
Monte Verde & 3rd SE Cor Carmel
Coldwell Banker Del Monte 626-2223

\$1,998,000 3bd 2ba Sa & Su 1-4
SW Cor Santa Fe & 3rd Carmel
Alain Pinel Realtors 622-1040

\$2,279,000 3bd 2ba Su 2-4
NE Cor 10th & Lincoln Carmel
Mitchell Group 624-0136

\$2,299,000 2bd 1ba Sa 1:30-4
NE Cor Dolores & 11th Carmel
Mitchell Group 624-0136

\$2,350,000 4bd 4.5ba Sa & Su 1-4
3345 7th Ave Carmel
Alain Pinel Realtors 622-1040

\$2,495,000 3bd 2.5ba Sa 2-4
Camino Real 6 NE Ocean Carmel
Mitchell Group 624-0136

\$2,500,000 3bd 3ba Sa & Su 2-4
26386 Isabella Ave x Scenic Carmel
Carmel Realty 624-6482

\$2,695,000 4bd 3ba Su 2-4
26337 Carmelo St Carmel
Mitchell Group 624-0136

\$2,895,000 3bd 2.5ba Su 1:30-4:30
NW Cor Camino Real & Ocean Carmel
Coldwell Banker Del Monte 626-2222

\$2,950,000 3bd 2ba Sa & Su 1-4
SW Cor Dolores & 13th Carmel
Burchell House Properties 624-6461

\$2,995,000 4bd 4ba Sa & Su 1-4
26162 Ladera Carmel
Alain Pinel Realtors 622-1040

\$3,695,000 3bd 3.5ba Su 1-4
Lopez of 4th Carmel
Coldwell Banker Del Monte 626-2221

\$4,589,000 3bd 2.5ba Sa 12-3 Su 1-4
2833 Cuesta Way Carmel
Alain Pinel Realtors 622-1040

\$4,950,000 3bd 2.5ba Sa & Su 1-4
Carmelo 2 NW of 13th Carmel
Alain Pinel Realtors 622-1040

\$4,998,000 3bd 3.5ba Sa 2-5 Su 1-4
26152 Ladera Carmel
Alain Pinel Realtors 622-1040

\$6,950,000 3bd 3.5ba Sa 2-4
Scenic Rd 10 SE of 8th Ave Carmel
Mitchell Group 624-0136

CARMEL VALLEY

\$314,500 Sa & Su 2-4
85 Del Mesa Carmel Carmel Valley
Prudential-Carmel 620-1995

\$335,000 2bd 2ba Sa 2-4
#162 Hacienda Carmel Valley
Alain Pinel Realtors 622-1040

\$339,900 2bd 2ba Su 12-2
9500 Center St #52 Carmel Valley
Alain Pinel Realtors 622-1040

\$360,000 2bd 2ba Su 1-3
#234 Hacienda Carmel Carmel Valley
Fouratt-Simmons 624-3829

\$419,000 3bd 1.5ba Su 1:30-3:30
42 Southbank Rd Carmel Valley
Mitchell Group 624-0136

\$420,000 2bd 2ba Su 11-1:30
78 Del Mesa Carmel Valley
John Saar Properties 625-0500

\$425,000 2bd 2ba Sa 12:30-2:30
165 Hacienda Carmel Carmel Valley
Mitchell Group 624-0136

\$435,000 2bd 2ba Sa & Su 1-4
4000 Rio Rd #27 (rain cancels) Carmel Realty 624-6482

\$475,000 2bd 2ba Su 1-3
#276 Hacienda Carmel Carmel Valley
Fouratt-Simmons 624-3829

\$595,000 2bd 2ba Su 12-2
173 Del Mesa Carmel Valley
Coldwell Banker Del Monte 626-2222

\$625,000 4bd 3ba Sa 12-2
27465 Loma Del Rey Carmel Valley
Mitchell Group 624-0136

\$649,000 3bd 2.5ba Su 2-4
170 Calle de los Agrimensors Carmel Valley
Mitchell Group 624-0136

\$699,000 3bd 3ba Sa 1-3
98 Laurel Dr Carmel Valley
Mitchell Group 624-0136

\$824,000 3bd 3ba Su 1-3
#19 Boronda Rd Carmel Valley
Coldwell Banker Del Monte 626-2222

\$845,000 4bd 2ba Su 1-3
26044 Rio Vista Dr Carmel Valley
Coldwell Banker Del Monte 626-2222

\$895,000 4bd 4ba Sa 2-4
24925 Pine Hills Dr Carmel Valley
Mitchell Group 624-0136

\$925,000 4bd 4ba Su 2-4
25831 Carol Place Carmel Valley
Coldwell Banker Del Monte 626-2222

\$1,095,000 4bd 3ba Su 2-4
8320 Via Madalena Carmel Valley
Coldwell Banker Del Monte 626-2223

\$1,100,000 3bd 2.5ba Su 1-3
8019 River Place Carmel Valley
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622-1006



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CARMEL VALLEY

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6048 Poplar Lane	Carmel Valley	
Mitchell Group	624-0136	
\$1,200,000	4bd 4ba	Su 1-3
8023 River Place	Carmel Valley	
Coldwell Banker Del Monte	626-2223	
\$1,350,000	3bd 4ba+gst hs	Su 1-3
26030 Rotunda	Carmel Valley	
Coldwell Banker Del Monte	626-2226	
\$1,395,000	4bd 4.5ba	Sa 2-4
25325 Tierra Grande Dr	Carmel Valley	
Mitchell Group	624-0136	
\$1,395,000	4bd 4.5ba	Su 2-4
25325 Tierra Grande Dr	Carmel Valley	
Mitchell Group	624-0136	
\$2,975,000	4bd 7ba	Sa & Su 2-4
25840 Eleanor Place	Carmel Valley	
Coldwell Banker Del Monte	626-2222	

CARMEL HIGHLANDS

\$775,000	4bd 3ba	Su 2-4
131 Cypress Way	Crmil Highland	
Mitchell Group	624-0136	
\$1,295,000	3bd 3ba	Sa 2-4 Su 1-3
187 San Remo	Crmil Highland	
Coldwell Banker Del Monte	626-2221	
\$3,500,000	4bd 4ba	Su 1-3
101 Lower Walden	Crmil Highland	
John Saar Properties	625-0500	

DEL REY OAKS

\$429,000	3bd 1ba	Sa 1-4
1073 Rosita Rd	Del Rey Oaks	
Mitchell Group	624-0136	
\$445,000	3bd 1.5ba	Su 2-4
3 Brae Place	Del Rey Oaks	
Coldwell Banker Del Monte	626-2222	
\$495,000	3bd 2ba	Sa 1-4
9 Quendale	Del Rey Oaks	
Mitchell Group	624-0136	

MARINA

\$345,000	3bd 1.5ba	Su 1:30-3:30
3077 Vaughn Ave	Marina	
Mitchell Group	624-0136	
\$387,500	3bd 2ba	Sa 1-4
340 Reindollar	Marina	
Mitchell Group	624-0136	
\$395,000	4bd 2.5ba	Su 2-4
333 Hillcrest Ave	Marina	
Coldwell Banker Del Monte	626-2222	
\$399,000	4bd 2.5ba	Sa 1-4
3272 Cove Way	Manna	
Alain Pinel Realtors	622-1040	
\$399,000	3bd 2ba	Su 1-4
241 Michelle Court-Del Monte	Marina	
Burchell House Properties	624-6461	
\$418,000	3bd 2.5ba	Su 11-2
3224 De Forest Rd	Marina	
Coldwell Banker Del Monte	626-2222	
\$425,000	4bd 2ba	Su 2-4
118 Redondo Ct	Marina	
Carmel Realty	624-6482	
\$550,000	4bd 3ba	Su 2-4
3275 Marina Dr	Marina	
Burchell House Properties	624-6461	

MONTEREY

\$359,000	2bd 2ba	Su 3-5
604 Alice St	Monterey	
Coldwell Banker Del Monte	626-2225	
\$449,900	3bd 2ba	Su 12-2
1399 David Ave	Monterey	
Coldwell Banker Del Monte	626-2222	
\$529,000	3bd 2ba	Su 2-4
875 Cypress	Monterey	
Coldwell Banker Del Monte	626-2222	
\$539,950	3bd 2.5ba	Su 2-4
420 Alcalde	Monterey	
Coldwell Banker Del Monte	626-2222	
\$549,000	1bd 1ba	Su 2-4
832-5 Spencer St (2 unit) duplex	Monterey	
Coldwell Banker Del Monte	626-2222	
\$619,000	3bd 2ba	Su 2-4
36 Cuesta Vista	Monterey	
Coldwell Banker Del Monte	626-2222	
\$650,000	3bd 2ba	Su 12:30-2
247 Mar Vista	Monterey	
Coldwell Banker Del Monte	626-2222	
\$669,000	4bd 3ba	Sa 2:30-4
561 Dry Creek Rd	Monterey	
John Saar Properties	625-0500	
\$695,000	1bd 1ba	Su 1-4
760 Lyndon St	Monterey	
Mitchell Group	624-0136	
\$715,000	3bd 1ba+	Sa 1-4
211 Larkin	Monterey	
Alain Pinel Realtors	622-1040	
\$1,599,000	3bd 2.5ba	Sa 1-3
1245 Aguajito	Monterey	
Nations Estates	625-8787	
\$1,995,000	4bd 3ba	Su 1-3
975 Mesa Rd	Monterey	
Coldwell Banker Del Monte	626-2222	

MTRY./SALINAS HWY.

\$449,000	3bd 2.5ba	Su 12-2
26498 Honor Lane	Mtry/Sins Hwy	
Coldwell Banker Del Monte	626-2222	
\$449,500	3bd 2.5ba	Su 2:30-4:30
27340 Bavella Way	Mtry/Sins Hwy	
Coldwell Banker Del Monte	626-2222	
\$525,000	4bd 3ba	Sa & Su 2-4
17649 River Run	Mtry/Sins Hwy	
Burchell House Properties	624-6461	
\$609,000	4bd 3ba	Su 1-3
27412 Vista Del Toro Place	Mtry/Sins Hwy	
Coldwell Banker Del Monte	626-2222	
\$739,000	4bd 3ba	Sa & Su 1-4
14285 Mountain Quail	Mtry/Sins Hwy	
Alain Pinel Realtors	622-1040	
\$795,000	4bd 3ba	Su 1-3
12 Paseo Verde	Mtry/Sins Hwy	
John Saar Properties	625-0500	
\$798,000	3bd 2.5ba	Sa 12-2 Su 1-4
25687 Meadowview Ct	Mtry/Sins Hwy	
Old Monterey Real Estate	648-8551	
\$1,050,000	5bd 3.5ba	Su 2-4
26133 Legends Court	Mtry/Sins Hwy	
Burchell House Properties	624-6461	

See OPEN HOUSES page 8B

Alain Pinel Realtors

YOUR GALLERY FOR FINE HOMES

VIEWS in

Carmel-by-the-Sea

This fabulous Ocean-View home currently under construction just a stone's throw from Carmel Beach will have old-world charm paired with the finest detailing and amenities. A list of features is available for what is destined to be one of Carmel's premier properties.

~ Offered at \$5,900,000 ~



VIEWS in

Carmel-by-the-Sea

On an elevated site just one block from Carmel Beach, "Bella Vista" is a glorious 4 BD, 3 BA home with open beamed ceilings, hardwood floors, 2 fireplaces, a lovely, light kitchen, family room, and private garden patio ~ in addition to a relaxing, sunny deck with spectacular sunset and ocean views!

~ Offered at \$3,900,000 ~

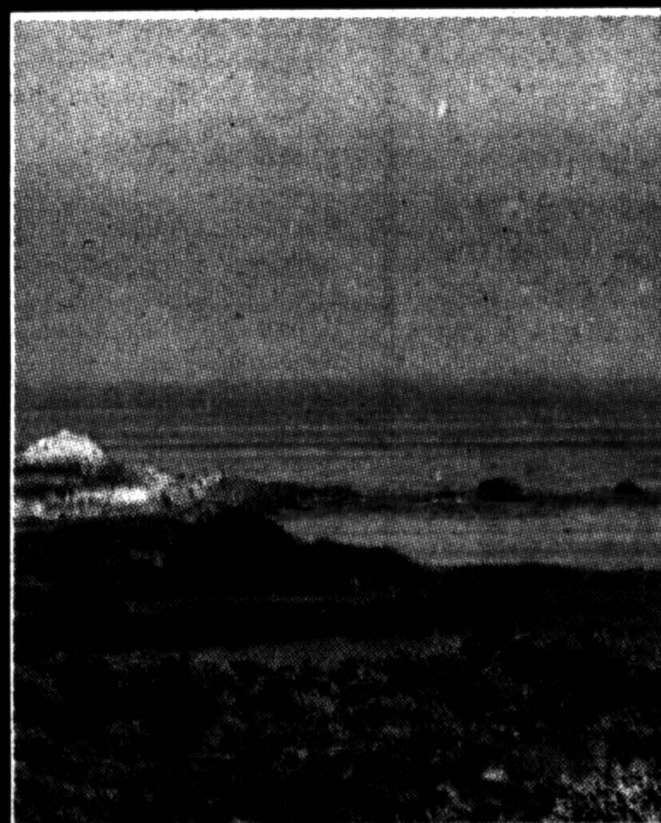


VIEWS in

Pebble Beach

Updated and remodeled to perfection with a lavish master suite, an open, spacious Great room, cozy fireplace, an open, spacious Great room, skylights, French doors, sitting area and an exquisite marble bath, this 4 bedroom, 3.5 bath Pebble Beach residence is just two short blocks to the Golf Course and the Ocean!

~ Offered at \$2,150,000 ~



VIEWS in

Pebble Beach

Create the view home of your dreams on this special property just steps from the links at Spanish Bay! The existing older home has plans in progress to provide for a 3 BD, 3 BA home of approximately 3,400 sq. ft. ~ and the future second story will offer an outstanding panorama of Golf Course and Ocean Views!

~ Offered at \$899,999 ~

ALAIN PINEL
REALTORS

Junipero b/w 5th & 6th ~ Carmel-by-the-Sea

831.622.1040

www.APR-CARMEL.com

OPEN HOUSES

From page 7B

MTRY/SALINAS HWY.

\$1,295,000	3bd 2.5ba	Su 2-4
23830 Secretariat Lane	Mtry/Sins Hwy	
Coldwell Banker Del Monte	626-2226	
\$1,350,000	2bd 1ba	Su 2:30-4:30
430 Corral De Tierra Rd	Mtry/Sins Hwy	
John Saar Properties	625-0500	
\$1,400,000	3bd 3.5ba+gstrs	Sa & Su 2-4
412 Las Laderas	Mtry/Sins Hwy	
Coldwell Banker Del Monte	626-2221	
\$1,595,000	5bd 4.5ba	Su 2-4
23775 Spectacular Bid Lane	Mtry/Sins Hwy	
Coldwell Banker Del Monte	626-2222	
\$1,600,000	4bd 3.5ba	Su 2-5
25385 Boots Rd	Mtry/Sins Hwy	
Alain Pinel Realtors	622-1040	
\$1,675,000	3bd 3.5ba	Sa 1-3 Su 3-4
106 Las Brisas Dr	Mtry/Sins Hwy	
John Saar Properties	625-0500	
\$2,995,000	4bd 3.5ba	Sa & Su 2-5
409 Estrella d'Oro	Mtry/Sins Hwy	
Alain Pinel Realtors	622-1040	

PACIFIC GROVE

\$370,000	2bd 1ba	Su 1-4
1252 Buena Vista	Pacific Grove	
Coldwell Banker Del Monte	626-2222	
\$449,000	1bd 1ba	Sa 11-1
383 Junipero	Pacific Grove	
Mitchell Group	624-0136	
\$450,000	2bd 1ba	Sa 1-4
507 Grand Ave	Pacific Grove	
Coldwell Banker Del Monte	626-2225	
\$469,000	2bd 1ba	Su 2-4
232 Congress	Pacific Grove	
Coldwell Banker Del Monte	626-2226	
\$559,000	3bd 1ba	Su 2-4
507-13 St	Pacific Grove	
Mitchell Group	624-0136	
\$599,000	2bd 2ba	Su 2:15-4
55 Country Club Gate	Pacific Grove	
Coldwell Banker Del Monte	626-2222	
\$688,500	3bd 2ba	Sa 1-4 Su 12-2
655 Jewel Ave	Pacific Grove	
John Saar Properties	625-0500	

PACIFIC GROVE

\$699,000	3bd 2ba	Su 2-3:30
1108 Austin Ave	Pacific Grove	
Burchell House Properties	624-6461	
\$699,000	2bd 2ba	Sa 2-5 Su 1-5
718 Hillcrest Ave	Pacific Grove	
Coldwell Banker Del Monte	626-2222	
\$749,000	3bd 2ba	Sa 2-4
663 Laurel	Pacific Grove	
Mitchell Group	624-0136	
\$849,000	3bd 2.5ba	Sa 2-4
805 Day Cir	Pacific Grove	
Mitchell Group	624-0136	
\$895,000	3bd 2ba	Su 2-4
921 Fountain Ave	Pacific Grove	
Coldwell Banker Del Monte	626-2222	
\$950,000	3bd 2ba+studio	Su 3-5
415 Crocker Ave	Pacific Grove	
Coldwell Banker Del Monte	626-2222	
\$995,000	2bd 2ba	Su 1-4
960 Egan	Pacific Grove	
Alain Pinel Realtors	622-1040	
\$995,000	3bd 2ba	Sa 2-4 Su 1-3
925 Fountain	Pacific Grove	
Alain Pinel Realtors	622-1040	
\$1,179,000	3bd 2ba	Sa 1-4 Su 2-4
917 Bayview Ave	Pacific Grove	
Coldwell Banker Del Monte	626-2221	
\$1,200,000	3bd 3ba	Sa & Su 2-4
861 Jewel	Pacific Grove	
Coldwell Banker Del Monte	626-2226	
\$1,475,000	3bd 2.5ba	Su 12-3
981 Jewel	Pacific Grove	
Mitchell Group	624-0136	
\$1,995,000	3bd 3ba	Su 2-4:30
2939 Old 17-Mile Dr	Pacific Grove	
Alain Pinel Realtors	622-1040	
\$2,495,000	3bd 3ba	Sa 12-3
1365 Pico Ave	Pacific Grove	
Mitchell Group	624-0136	

PEBBLE BEACH

\$675,000	3bd 2ba	Su 2-4
3065 Bird Rock	Pebble Beach	
Coldwell Banker Del Monte	626-2225	
\$750,000	2bd 2ba	Su 2-4
1035 San Carlos Rd	Pebble Beach	
Coldwell Banker Del Monte	626-2223	
\$759,000	3bd 3ba	Su 2-4
4089 Pine Meadows	Pebble Beach	

PEBBLE BEACH

\$785,000	3bd 2ba	Su 1:3-4
1121 Sawmill Gulch	Pebble Beach	
Alain Pinel Realtors	622-1040	
\$835,000	3bd 3.5ba	Su 2-4
2939 Stevenson Dr	Pebble Beach	
Coldwell Banker Del Monte	626-2222	
\$849,000	3bd 2ba	Su 2-4
2932 Congress	Pebble Beach	
Coldwell Banker Del Monte	626-2226	
\$995,000	4bd 2.5ba	Sa 3-5
4040 Costado Place	Pebble Beach	
Mitchell Group	624-0136	
\$1,150,000	3bd 2ba	Su 2-4
63 Ocean Pines	Pebble Beach	
Coldwell Banker Del Monte	626-2222	
\$1,150,000	3bd 2ba	Su 3-5
3029 Birdrock	Pebble Beach	
Alain Pinel Realtors	622-1040	
\$1,200,000	6bd 2.5ba	Su 2-5
1063 Rodeo	Pebble Beach	
Alain Pinel Realtors	622-1040	
\$1,200,000	2bd 1ba	Su 12-2
1205 Atajo Way	Pebble Beach	
Coldwell Banker Del Monte	626-2222	
\$1,395,000	4bd 2.5ba	Su 2-4
1042 Broncho Rd	Pebble Beach	
Coldwell Banker Del Monte	626-2221	
\$1,495,000	3bd 3ba	Su 2-4
4120 Pine Meadows Way	Pebble Beach	
Coldwell Banker Del Monte	626-2225	
\$1,495,000	2bd 2ba	Sa 1-3
2984 Bird Rock Rd	Pebble Beach	
Coldwell Banker Del Monte	626-2222	
\$1,795,000	3bd 2.5ba	Sa 2-4 Su 11-1
4062 Mora Lane	Pebble Beach	
Coldwell Banker Del Monte	626-2222	
\$1,995,000	3bd 3ba	Su 2-4
4008 Sunridge	Pebble Beach	
Coldwell Banker Del Monte	626-2225	
\$2,000,000	4bd 4.5ba	Su 2-4
1207 Benbow Place	Pebble Beach	
Coldwell Banker Del Monte	626-2222	
\$2,190,000	3bd 2.5ba	Sa 2-4 Su 1-4
1407 Lisbon Lane	Pebble Beach	
Coldwell Banker Del Monte	626-2222	
\$2,500,000	4bd 3ba	Su 2-4
3332 Ondulado Rd	Pebble Beach	
Coldwell Banker Del Monte	626-2223	

PEBBLE BEACH

\$2,695,000	4bd 4.5ba	Sa 11-1 Su 1-4
1261 Lisbon	Pebble Beach	
Mitchell Group	624-0136	
\$3,350,000	2bd 2ba	Su 2-4
3004 Cormorant	Pebble Beach	
Coldwell Banker Del Monte	626-2222	
\$4,100,000	3bd 4ba	Pebble Beach
3294 Stevenson Dr	Pebble Beach	
Coldwell Banker Del Monte	626-2222	
\$4,500,000	5bd 5.5ba	Sa 2-4
2987 Old 17-Mile Dr	Pebble Beach	
Mitchell Group	624-0136	

SALINAS

\$272,000	2bd 2ba	Su 1-4
1067-2 Padre	S Salinas	
Alain Pinel Realtors	622-1040	
\$625,000	3bd 3ba	Sa & Su 1-4
925 Padre Dr	S Salinas	
Alain Pinel Realtors	622-1040	
\$309,000	3bd 1.5ba	Su 2-4
761 Lemos	Salinas	
Coldwell Banker Del Monte	626-2222	
\$459,000	3bd 3ba	Su 1-4
325 San Vicente	Salinas	
Mitchell Group	624-0136	

SEASIDE

\$359,000	3bd 2ba	Su 1-4
1278 Hamilton	Seaside	
Alain Pinel Realtors	622-1040	
\$369,955	3bd 2ba	Sa 11-4
1060 Olympic	Seaside	
Alain Pinel Realtors	622-1040	
\$449,000	3bd 2ba	Sa 1-4
1187 Barbara	Seaside	
Alain Pinel Realtors	622-1040	

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PACIFIC GROVE HOME. Located near schools, transportation and shopping. This 3 bedroom, 2 bath home comes with a large deck over a single car garage, lots of storage, and a gas fireplace. Great opportunity. **\$599,000.**

Special Values...

HACIENDA CARMEL. Located between two golf courses and only 3 miles from Carmel-by-the-Sea, this community for those 55 years of age has all the amenities of a comfortable retirement including this 2 bedroom, 2 bath, end unit with southern exposure and lovely brick patio with beautiful trees & hill views. Situated in a great location & near parking. **\$360,000.**

PACIFIC GROVE GEM. Beautifully maintained and updated Mission style, 2 bedroom, 1 bath home with coved ceilings, plaster walls, French doors leading to decks, studio/garage & just a short walk to town. Comes with lots of privacy, charm & peeks of the ocean. **\$549,000.**

MOVE RIGHT IN! Enjoy the ultimate Carmel lifestyle. Adorable 2 bedroom, 2 bath Carmel cottage. Extremely well maintained. Lovely courtyard, hardwood floors, gas fireplace, and a short walk to downtown Carmel-by-the-Sea. **\$848,000.**



Court of the Golden Bough on Ocean Ave.
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DISMISS

From page 5B

council's deliberations and decision-making that upon a reevaluation of the facts and circumstances surrounding this issue, the council reached a different conclusion, which is within the power of the council to do. Although Carmel initially made this broad statement, there has been no evidence presented by petitioners that a single building in Carmel that was deemed "historic" has been demolished. In addition, the urgency ordinance was drafted well after the Donati demolition application was granted.

Petitioners audaciously cite from an opinion of this court in the matter of Friends of Carmel v. City of Carmel [Mandurrago, Case No. M 49762], to support their argument that Carmel is engaged in an illegal pattern and practice. Petitioners should know better. Rulings of trial courts do not set precedent. This is an improper cite to the record of another matter which is only meant to sway the court and prejudice Carmel's position. It should be disregarded in its entirety. Further, in this part of their brief, petitioners apprise the court that the California Coastal Commission did not approve of the Mandurrago demolition. In the first instance, there is no evidence to substantiate this in the record. Second, it is irrelevant to the matter at hand. Third, we are not told why the Coastal Commission supposedly disapproved of the Mandurrago demolition. Fourth, we have to wonder why the Coastal Commission allowed for the Donati demolition to proceed when it was also petitioners' position in that case that the structure was "historic." Again, a lot of rhetoric, but no proof.

The one case which is factually before this court shows unequivocally that Carmel followed CEQA guidelines in evaluating the Donati's demolition application. After the Donati demolition application was approved by Carmel's Planning Commission in November 1997, the city council remanded the application to the Planning Commission in February 1998 for CEQA review. A Negative Declaration was prepared and circulated for public review. In April 1998, Carmel's Historic Preservation Committee ("HPC") recommended preparation of an EIR for the Donati project, but in May 1998, Carmel's Planning Commission approved the demolition on the basis of the Negative Declaration, refusing to follow the HPC's recommendation for an EIR, which was the Planning Commission's right. An appeal was taken by petitioners to the Planning Commission decision and a hearing on the appeal was held before Carmel's city council on July 14, 1998. On August 4, 1998, the city council denied the appeal and approved the Donati demolition which was within the council's discretionary authority. This court agreed with Carmel's decision to approve the Donati demolition. Does this mean the court is also engaging in illegal activity because it agreed with Carmel's decision to approve the demolition?

Petitioners claim that at the appeal hearing, petitioners

and their counsel brought to Carmel's city council's attention that not only was the Donati residence a historic resource, but that Carmel was engaging in successive approvals of demolitions of similar cultural and historic resources which were having a cumulative adverse impact of the community character of Carmel. Yet in the next breath, petitioners admit that although members of the council "acknowledged the increasing loss of Carmel resources through the popularity of demolition and construction of trophy homes, [they] voted to approve the demolition." (Emphasis added). It escapes logic and reason that the council, after supposedly acknowledging a cumulative adverse impact on Carmel's character due to excessive demolitions in the city, would nevertheless approve a demolition of a purported historic resource. This demolition approval was clearly determined to not involve a structure the loss of which would have an environmental impact, cumulatively or otherwise.

The Declaration of Enid Sales submitted to support petitioners' "illegal pattern and practice" argument states Carmel has permitted 170 demolitions and significant alterations to proceed within the last three years (as of February 2000). This declaration is terribly misleading. As seen in the Declaration of Chip Rerig in support of this reply, that number of 170 includes 104 "substantial alterations" which can consist of something as small as adding or replacing a skylight or adding a small addition to a structure. Moreover, that 170 number does not distinguish which of the structures were fifty years or older, which were historic or non-historic or whether the structure was in or out of character with other structures in Carmel. Nor does Ms. Sales' declaration reflect the fact that many substantial alterations were approved in accordance with the Secretary of Interior Standards for treatment of historic properties and were done with the support of the Historic Preservation Committee. The Sales declaration does not assist petitioners in meeting their burden of proof to defeat this motion.

3. Conclusion

Petitioners cannot show in this action that Carmel violated CEQA in approving the Donati application. To the contrary, this court found Carmel had complied with CEQA in approving the Donati project. Petitioners have not provided a factual basis for their contention that Carmel is engaged in an illegal pattern and practice of approving demolitions in the city. They provide nothing more than conclusory arguments and mere opinion in that regard. Since there is no evidence of even one structure designated historic that has been demolished in Carmel, a declaration that Carmel is engaging in an illegal pattern and practice of demolishing historic residences cannot be made as a matter of law.

For the foregoing reasons, Carmel respectfully requests that its motion for summary judgment be granted. Alternatively, Carmel requests that the court summarily adjudicate one or all of the separate issues presented in this motion for summary adjudication.

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POLICE LOG

From page 4A

blue, moving-type van near Carmel Valley Road and Highway 1, possibly carrying a gun. The van was not found and the caller was unable to provide any further information.

Carmel Valley: Woman reported someone vandalized her vehicle while it was parked on Berwick.

Carmel area: Report of an open door at a San Antonio residence where the resident is not in town. The contractor, with a key, opened the doors for the roofers. He did not advise anyone until later in the day.

Carmel area: Safeway bookkeeper turned over several lost items.

Carmel Valley: Holman Road resident reported someone entered her apartment, but took nothing.

Carmel area: Driver was stopped at Highway 1 and Carmel Valley Road for a vehicle violation. He was found to be driving under the influence of alcohol and arrested by the CHP for DUI.

Carmel area: Cañada Way resident reported her mailbox was vandalized.

Carmel Valley: Cachagua Road resident reported a subject violated a restraining order by telephoning her.

WEDNESDAY, OCTOBER 10

Carmel-by-the-Sea: Investigator requested a civil standby while he served some civil papers. Detail canceled when the investigator failed to show up.

Carmel-by-the-Sea: Casanova resident reported a subject began yelling at her while fixing her kitchen range because she wanted to clean behind it while he was fixing it. He stated he was hired by the property management and she was interfering with his trying to repair the range because she wanted to clean the sides and under it. She said she didn't want him in her house anymore. He discontinued his work and left on request.

Carmel-by-the-Sea: Report of loud music at a residence. Upon arrival, stood outside the garage where the music was coming from and did not think the volume was excessive. Made contact with the resident and he said he thought it was a little loud at first and had already turned the volume down.

Carmel-by-the-Sea: Report of barking dog at Mt. View and Santa Rita. Attempted to contact the owner, but the resident was

not at home. Note left.

Carmel-by-the-Sea: Contacted a resident who feared a neighbor's dog might be in some type of trouble. There was no problem with the dog and the resident was advised to stay out of the neighbor's yard or face arrest for trespassing.

Carmel-by-the-Sea: Report of suspicious circumstances. Noises caused by raccoons.

Carmel area: Man said he was battered by his wife on 09/18/01. Wife contacted in Saratoga and denies battery. Case continues.

Carmel Valley: 911 hangup from a Gray Goose Gulch residence caused by wrong number according to reporting party.

Carmel Valley: Carmel Valley Road resident reported being disturbed by a neighbor in the apartment above because of his constant walking around.

Carmel Valley: Vehicle locked inside Cachagua Community Park. Vehicle belongs to neighbor who will pick up in morning.

Carmel Valley: Rancho el Robledo resident said a woman accused him of running over her dog. He said he did not. He wanted a report on file.

See **POLICE LOG** page 10B

Pacific Grove Victorian!



This remodeled 3 bedroom, 2.5 bath 2,200 sq. ft. home has views of the bay and Greenwood Park. Wood floors, skylights, ground floor bedroom. Steps to beach. Stroll to coffee shops, cinema, and fine dining. \$1,295,000.

Marilyn Vassallo

vassallo@redshift.com

Photo & details at: www.pacificgroverealestate.com

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California Realty

CARMEL VALLEY

Prime Ranch Opportunity

Private bridge leads to your own country paradise. Spacious 4 BD/2 BA home with grand stone fireplace, vaulted ceilings and expansive country kitchen. 40 acres with own well and horse facility. A must see!

\$785,000. 831-626-1447

CARMEL VALLEY

New Listing Del Mesa Carmel

OPEN SAT. & SUN. 2-4 PM • 85 Del Mesa Carmel

Prestigious adult community 1 BD/1 BA condominium. Beautifully manicured grounds with indoor pool, spa and breathtaking views of Carmel Valley. Minutes from charming Carmel-by-the-Sea, historic Monterey and Pebble Beach. For showings call Lynn Ackerman.

\$314,500. 831-643-0640

CAPITOLA

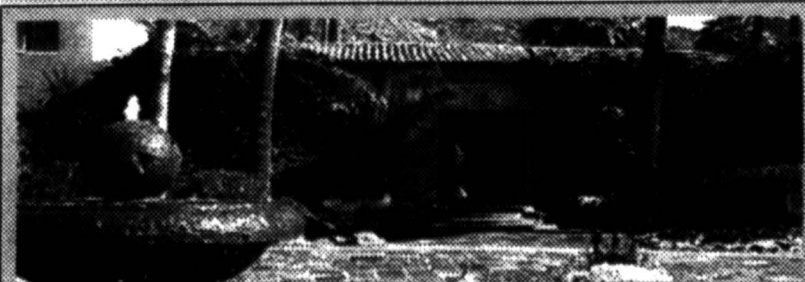
Location-Location-Location Best Buy on the Coast

OPEN SUN 1-4 • 616 Gilroy Drive

Upper Capitola Village 3 BD/2.5 BA. Architecturally masterful, beautiful hardwood floors, spacious living room with skylit vaulted ceilings. Private master suite with wonderful beach sunsets.

\$758,000. 831-334-4826

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CARMEL TREASURE

Amazing renovations have turned this remarkable 5 BD & 5 BA "Comstock" house on Carmel Point into perfection. The lush gardens on 2 lots are a retreat within a retreat.

OFFERED AT \$4,950,000

Jill Hacker

Real Estate Broker
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LINDA'S LATEST LISTINGS!

OPEN SUNDAY 2-4 160 East Carmel Valley Road

Carmel Valley Home, Guest House and Pool... Sited on a private 1.54 acres, 1.5 miles east of Carmel Valley Village across the street from Stonepine Equestrian center, this wonderful family home offers 4015 sq. ft. in the main house with ceiling-to-floor "rock" fireplace, 5 bedrooms, 3 baths, and "great" family room/artist's studio. Must see! \$880,000.

Sunny Carmel Valley Contemporary...

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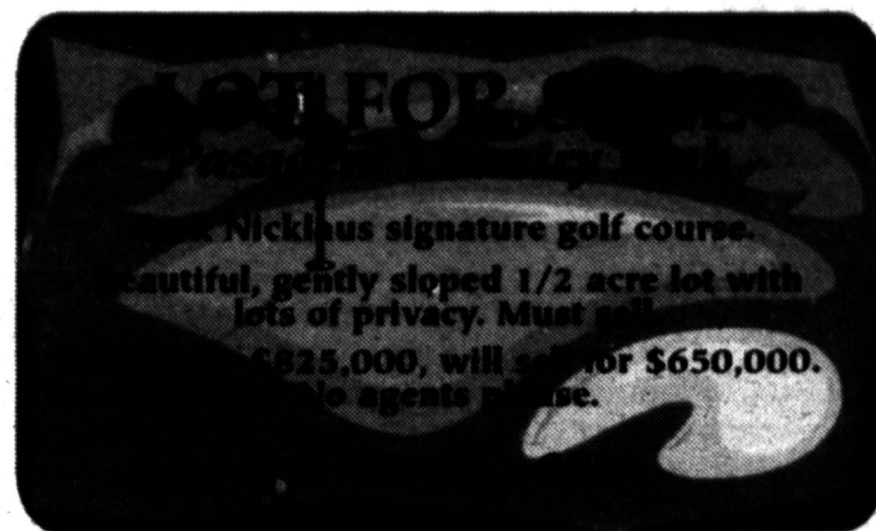
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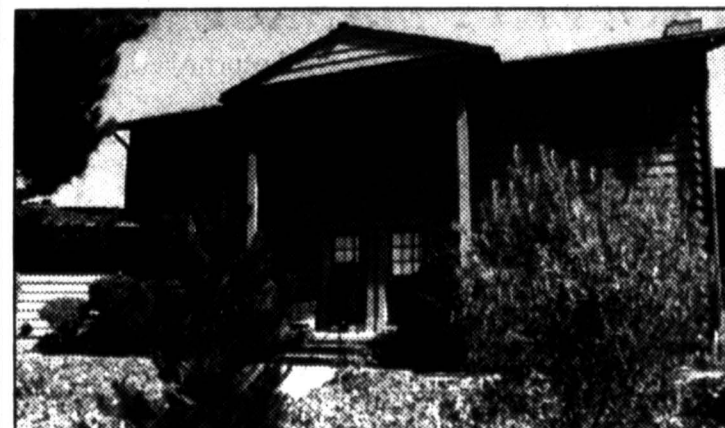
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POLICE LOG

From page 9B

Pebble Beach: Family member requested a welfare check on a Mora Lane resident who was not answering his telephone. The resident was found to be fine.

THURSDAY, OCTOBER 11

Carmel-by-the-Sea: San Carlos business owner requested an emergency protective order to be issued against a subject who was picketing in front of his business. He was advised an EPO would not be issued because there was no threat of violence, no history of previous acts of theft or violence, an no probable cause to believe an act of violence may occur in the future.

Carmel-by-the-Sea: Resident reported receiving a letter left on her door that contained information about a subject who lives in the neighborhood. Letter described a vehicle parked across the street from the residence. No merit or criminal activity.

Carmel-by-the-Sea: Report of a woman in the restroom at First Murphy Park possibly on drugs. Contacted the subject and questioned her regarding her physical condition. She stated she was sick. She did not appear to be intoxicated or under the

influence of drugs.

Carmel-by-the-Sea: Assisted a lost citizen back to her home.

Pebble Beach: Responded to a 911 hangup at a Sloat Road residence. No problems at residence.

Carmel Valley: Carmel Valley Road resident reported the subject who lives in the apartment above her is walking around too much. Resident told to contact manager for possibly moving to another apartment.

Carmel area: District attorney's office requested assistance regarding an investigation of a local business.

Pebble Beach: Responded to a Cortez residence for a welfare check. The resident was not at home.

Carmel Valley: Man reported he was grabbed and thrown to the ground.

Carmel area: Pizzeria employee reported having a civil problem with a customer over the amount of sales tax being charged on a purchase.

FRIDAY, OCTOBER 12

Carmel-by-the-Sea: Report of a make subject yelling at patrons and employees in a hotel bar. Located the subject who



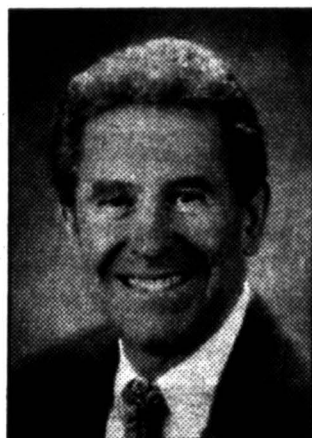
Joan DeMers

...joined Ben Heinrich Real Estate, Carmel in September 2001. After enjoying a career in banking for 30 years, Joan decided to take early retirement from Wells Fargo & Company where she had served as a Premier Banking Division Personal Banker to VIP clients in Monterey, Santa Cruz, and San Luis Obispo counties.

Joan has been a resident of Monterey County for 30 years and has been active in community affairs in Carmel and Monterey County. She is a past president of the Carmel Business Association and served on the CBA board for 5 years.

Joan has achieved much professional success and satisfaction from working with and assisting her clients to achieve their financial, business, and personal goals. Her love of working with people combined with her love of houses, remodeling, and interior and garden design led her to this natural career progression as a real estate professional.

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was outside the hotel and was no longer causing a problem. He stated he and a group of his friends were on vacation and had just won their golf tournament and had a few too many drinks. Subject counseled regarding his drinking habits in public and the group voluntarily left the area for dinner.

Carmel-by-the-Sea: Report of a black Subaru Outback stopped in traffic on Scenic and the driver not allowing vehicles to pass. Area checked and vehicle was GOA.

Carmel-by-the-Sea: Report of a green pickup at Santa Fe and Third leaking fuel from its gas cap. Area checked, unable to locate any hazardous vehicles.

Carmel-by-the-Sea: Inn employee reported a male subject entered the building on three occasions within a short time span to ask about a person requesting a taxi. She told him no one had requested a taxi. She felt it odd that a taxi driver would continue to contact her after she explained no one was waiting for a taxi at the hotel and she had not requested one for a guest.

Carmel-by-the-Sea: Scenic Road resident reported the theft of an unattended red Bobby Built pull wagon valued at \$350. Located the wagon pushed over the side at Scenic and 12th and retrieved it for return to the resident.

Carmel-by-the-Sea: Civil standby requested at a Junipero restaurant while a small group of unruly guests were getting ready to leave the premises. The unruly guests left without any further incident.

Carmel-by-the-Sea: Transport of three stranded visitors to Mission Ranch.

Big Sur: Garrapatos Road resident reported she had an argument with a neighbor over the neighbor throwing bushes into her yard.

Pebble Beach: PGPD school resource officer reported she was notified by members of the girls' cross country team that a naked male was seen in the area of Ortega and Congress roads. Extra patrol requested.

Carmel area: A civil standby was requested at the Bakers Square parking lot while the female picked up her daughter from her ex-husband.

Pebble Beach: Coyote Road resident reported seeing a suspicious moving/storage van pass by her residence. She thought it was suspicious because the words on the side were painted over in house paint.

SATURDAY, OCTOBER 13

Carmel-by-the-Sea: Report of loud music at 10th and Casanova. Contacted the homeowner, who stated he was ask the band to turn down the volume level.

Carmel-by-the-Sea: Report of a dog running in traffic at Rio Road and Carmel Mission.

Carmel-by-the-Sea: Resident came in with an envelope he received in the mail. The envelope was inside a clear plastic bag. He was concerned because it had a handwritten address with no return address. Checked the piece of mail with a flashlight and it appeared to be a voting flier. Advised that if he did not want to open the envelope he could throw it away, which he did.

Carmel-by-the-Sea: Backed up CHP on a report of a DUI driver who displayed what appeared to be a handgun when he was followed by the caller. Area of Carmel Rancho Blvd. checked with negative results.

Carmel-by-the-Sea: Contacted and advised a group of juveniles regarding parking at Flanders Mansion after 2200 hours. They left the area.

Carmel-by-the-Sea: Manager at a San Carlos business reported an irate customer causing a disturbance. Arrived at the location and contacted the manager. Male subject was escorted back to his hotel next door prior to officer's arrival.

Carmel-by-the-Sea: Vehicle towed from Mission and Fourth for registration expired since 03/01 and unpaid citations totaling \$191.

Carmel area: Report of an office door found open on Carmel Rancho Lane. No forced entry. The office appeared undisturbed.

Carmel area: State Parks requested assistance with a vandalism/theft case.

Carmel area: Five witnesses saw a 45-year-old man partaking in obscene exhibitions near the baseball field of Carmel

High School.

Carmel Valley: Deputies responded to a 911 hangup call at a Scarlett Road residence. The resident had misdialed while using her fax machine.

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GOING UP! South of Ocean, a 3-bedroom, 2-bath home of approximately 2100 sq. ft. Wood floors, soaring ceiling, skylight, fireplace, deck & elevator. Recently updated and in move-in condition. \$920,000.



TWELVE OAKS! Charming older 3-bedroom, 2-bath home on about 1/3 acre divided into two parcels. The home is on 10,000 sq. ft. lot; the adjacent 6,000 sq. ft. lot is vacant. Water credits available. \$1,495,000.

PESCADERO CANYON VIEWS! In Carmel Woods is a classic-traditional 3-bedroom, 2-1/2-bath home. Featuring an open living room & kitchen, upstairs master bedroom with fireplace and an expansive (44'x17') deck. \$1,150,000.

"BEST NEST!" This extraordinary 2-bedroom, 2-bath remodel has contemporary flair. This light & bright home has all the amenities. Lovely landscaping, outdoor fireplace and gate, just a short walk to the beach. \$1,795,000.

VIENTA DEL MAR! "Wind of the Sea," one of the earliest Carmel Point homes. Boasting a pleasant ocean view and timeless architecture, this 3-bedroom, 4-bath home is just steps to Carmel Beach on a quiet lane. \$1,795,000.

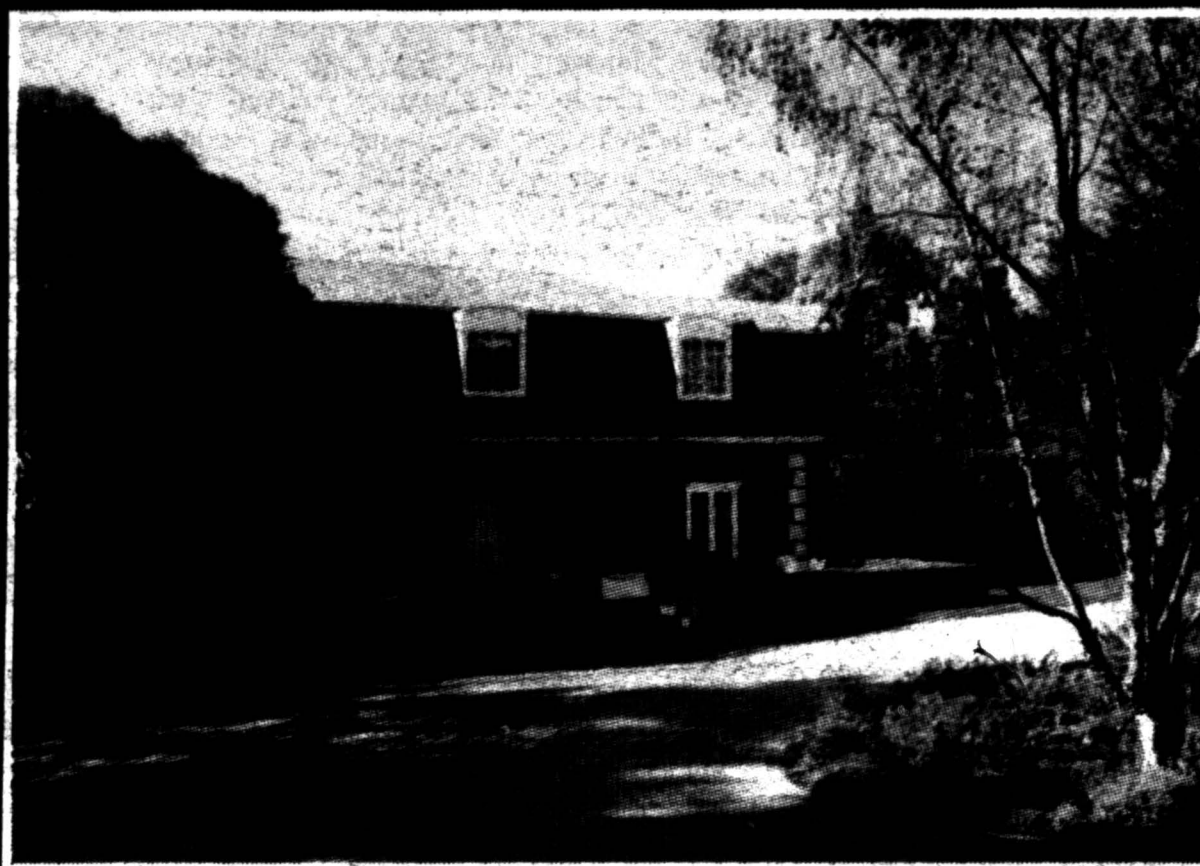


MISSION MURAL! On an oversized lot, this charming 3-bedroom, 3-bath ranch-style home with separate guest apartment boasts mural-like views of the Mission, Santa Lucia Hills and the mouth of Carmel Valley. \$1,850,000.

CARMEL TRADITIONAL! One of Carmel's largest ocean-view parcels offers 3 lots & is just three blocks to Carmel Beach. This private, immaculately maintained estate has ocean views from most major rooms. Three bedrooms, 2-1/2-baths. \$2,895,000.

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CARMEL VALLEY



QUAIL LODGE BEAUTY! Custom, contemporary 3-bedroom, 2-1/2-bath home located in Quail Lodge, steps from the golf course. Recently remodeled & crafted from high quality materials. \$1,250,000.

LAKE VIEW! Townhouse convenience with lake and mountain views from this 2-bedroom, 2-1/2-bath residence at the mouth of the Valley. Updated kitchen, formal dining room. Complex offers pool & tennis. \$539,000.

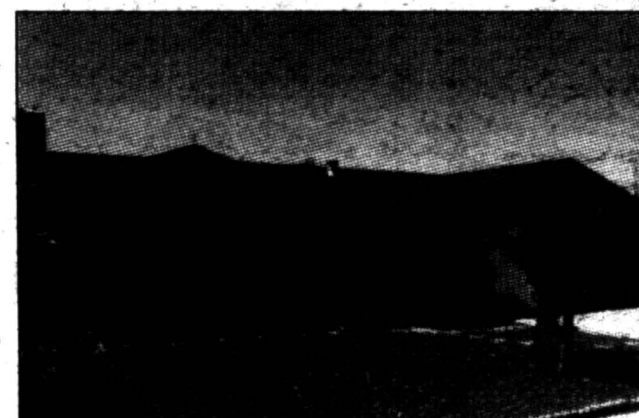
LOCATION - LOCATION! This rare frontline end unit in the popular 2-bedroom, 2-bath "B" design is immaculate. Boasting 1470 sq. ft., with a beautiful garden view from the master bedroom. At Del Mesa, five minutes to Carmel. \$595,000.

RIO VISTA NEIGHBORHOOD! Enjoy carefree, private living on this 1-acre parcel two miles from shops, schools & golf. Four-bedroom, 2-bath one-level home with family room, two fireplaces & large workshop. \$845,000.

A PLACE IN THE SUN! Immaculate 3-bedroom, 2-1/2-bath home on a beautifully landscaped acre. Kitchen with granite countertops,

lots of glass throughout, family room & a large "rec" room with home theater. \$1,195,000.

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MOUNTAIN & BAY VIEWS! Spacious, bright 3-bedroom, 2-bath home with bay & mountain views from the master bedroom & deck. Huge room with entrance on the lower level would be ideal home office. \$579,000.

EXCELLENT OPPORTUNITY! Solid duplex in convenient New Monterey. Each unit has 1 bedroom, 1 bath, wood floors, 1/2 of divided garage and a separate meter. Close to Cannery Row. \$549,000.

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OCEAN VIEW CONDO! Overlooking 7 golf courses and 6 miles of oceanfront is a very special residence. It consists of 2 units which were merged to form a spacious 3-bedroom, 2-bath condominium. \$1,150,000.

CASUAL ELEGANCE! Overlooking the 15th fairway of the Pebble Beach Golf Links is this stunning 3-bedroom, 4-bath 17-Mile Drive residence. High ceilings, French doors, sun room, and landscaped grounds. \$3,495,000.

MPCC "DUNES COURSE!" Enjoy wonderful, lush golf course views from this newly remodeled 2-bedroom, 2-bath home well-located on the second hole of the Dunes Course. Beautifully appointed and custom finishes. \$1,495,000.



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